

PLANNING BOARD MARCH MEETING MINUTES

MEMBERS: Harold Fabinsky, Chairman
Nicholas Baich
Gregory Bennett
Henry Heppner
David Kaczor
David Mellerski, Jr., Alternate
Philip Murray

EXCUSED: Alex Long

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

The Chairman announced exit procedures in the event of a fire alarm and called the Planning Board meeting to order at 7:05 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, due to the absence of regular Board Member Alex Long, the Alternate member, Mr. Mellerski, will be voting this evening.

Upon a motion duly made and seconded, the reading of the January 13, 2022 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Kaczor made a motion, seconded by Mr. Baich to accept the January 2022 meeting minutes.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
MURRAY	AYE
MELLERSKI	AYE

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

The Chairman stated that the February 2022 Planning Board Meeting minutes will be voted on at the next Planning Board meeting.

REGULAR BUSINESS:

1. P.B. File #08-20 (20-18), Birdsong Subdivision, Part 6, Four-lots bordering on Transit Road, Zoned R-1.
Applicant is requesting a change from original approved Site Plan and Pre-Application Findings.

APPEARANCE: Mr. Ken Zollitsch, Greenman Pederson
Mr. David Capretto, Forbes Homes

Mr. Zollitsch presented an amended plan for the *Birdsong Subdivision Part 6*, located at the north eastern corner along Transit Road. They would like approval to have approval to alter the previously approved site plan to allow four, Single-Family Lots. Each will be 2.5-acres in size and have a septic system.

The Chair established that the 21 lot cul-de-sac in the original plan would be eliminated and the proposed lot group fronting on Transit would take its place

Mr. Kaczor stated he feels the neighbors will appreciate the revision from 21-lots, to 4-lots. It will be up to the buyers as to what type of home is built

Mr. Heppner affirmed that, although separated by a creek and a DEC wetland, this is part of the Bird Song Subdivision. He feels the revised plan fits into the character of the neighborhood.

Mr. Heppner made a **MOTION**, seconded by Mr. Murray to **GRANT** the applicant's request to alter the Approved Original Site Plan and Pre-Application Findings made on 3/09/1994. Preliminary Plat Plan Approval was granted on 4/09-1997, and Final Plat Plan Approval was granted on 5/13/2015.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BENNETT	AYE
HEPPNER	AYE
KACZOR	AYE
MURRAY	AYE
MELLERSKI	AYE

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

CONCEPT REVIEW: Informational Purposes – No Action will be taken.

1. P.B. File #7-2022, 3531 Southwestern Boulevard, V/L located on the south east side Southwestern Boulevard, south west of Milestrip Road, Zoned R-2. Mr. John Wabick, of West Herr Automotive Group, Inc., is requesting a Rezoning of 8.76-Acres, from R-2 Residential, to B-2 Commercial, for the purpose of vehicle storage lot expansion. (SBL# 161.07-7-13.1)

APPEARANCE: Mr. Andrew Gow, Nussbaumer & Clarke
Mr. James Mulka, Director of Facilities of West Herr Automotive Group, Inc.

Mr. Gow presented and discussed the proposed project, noting that the plan was reworked since the last time they presented it. It now includes enhanced details and provides information on how they will handle storm water, and other issues at the site, as requested by the Town Engineering Department. They have been in dialogue with the NYS DEC for the last several years. He requests that the Board issue a SEQR Determination so they may know how, or if, the project can move forward as he is not sure what the outcome with the DEC will be. He feels if they receive an impact determination, conditioned or otherwise, perhaps the NYS DOT will let them continue. He does not want to waste anyone's time if this cannot move forward.

The Chairman explained that the Board cannot take any action now.

Mr. Baich confirmed that the original plan was to construct over 1,000-parking spaces. The revised plan is for under 900-parking spaces.

Mr. Kaczor feels West Herr is an asset to this community. He concluded that there are wetlands located here. However, if we are allowed to do so there are ways to have them mitigated. He also confirmed that they did not know what water shed is located here.

The Chair is in agreement with the fact that West Herr is a great company to have in Orchard Park. He further noted that Orchard Park prefers wetland mitigation to take place in Orchard Park.

Mr. Bennett confirmed that there are some areas in the property where mitigation can take place, but there is not enough space.

Mr. Heppner appreciates West Herr's presence.

Mr. Murray established that the property is approximately 8-acres in size with approximately 3-acres with no wetlands on it. He also discussed having a time frame and the proposed mitigation at the site.

Mr. Gow indicated the proximity of the wetlands and where vehicle storage would take place. He stated that he feels all the property is useable.

Acting Planning Coordinator Orffeo asked Chairman Fabinsky if we are looking at a *Conditioned Negative Declaration*.

The Chairman stated, this will be looked at.

2. P.B. File #06-2022, 260 Redtail Road, Located on the west side of Redtail Road, south of Windward Road, Zoned I-1. Excelsior Orthopedics is proposing a 10,000-sq.ft. addition to their existing building, and expansion of parking lot. (SBL# 152.18-2-4)

APPEARANCE: Mr. Christopher Wood, Engineer – Carmina • Wood • Morris Architects

Mr. Wood presented the proposed Site Plan and explained the 10,000-sq.ft., 1-Story Building expansion to the members. He further noted that the Conservation Board granted Landscape Approval for the submitted Plan, and that there will be a total of 22-parking spaces added to the site, bringing the total to 26-parking spaces.

Mr. Ostrander discussed the proposed bio-retention pond.

The Chairman confirmed with Building Inspector Bremer that the project is Code Compliant.

Mr. Heppner stated that he feels this is a good project.

The Chair stated the he also feels this can be a good project for the Town of Orchard Park.

There being no further business, the Chairman adjourned the meeting at 7:31 P.M.

DATED: 3/18/2022

REVIEWED: 3/23/2022

Respectfully submitted,
Rosemary Messina
Planning Board Secretary

Harold Fabinsky
Planning Board Chairman