

Minutes of the **October 4, 2022** meeting of the **Conservation Board of the TOWN OF ORCHARD PARK**, Community Activity Center, 4520 California Road, Orchard Park, New York at 7:00 P.M. Present were the following:

MEMBERS PRESENT: Richard Schechter, Chairman
Bernadette Clabeaux
Daniel Couch, Alternate member
Melissa Lebedzinski
Kyle Witt

EXCUSED: Joseph Liberti, Town Board Liaison
Amy Grosjean
Thomas Jaeger
David Ward

OTHERS PRESENT: Remy C. Orffeo, Acting Planning Coordinator
Ed Leak, Director of Recreation, Parks & Forestry
John C. Bailey, Deputy Town Attorney
Rose 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 Mr. Couch, the Alternate member, will be voting this evening in the absences of Ms. Grosjean, Mr. Jaeger, and Mr. Ward.

APPROVAL OF MINUTES: Mr. Couch made a **MOTION**, seconded by Mr. Witt, to approve the September 6, 2022 meeting minutes as presented.

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

NEW BUSINESS:

1. **C.B. File #37-2021, Alliance Homes, proposed 23-Lot Single-Family Subdivision, 6940 Milestrip Road, 47.0 +/- Acres, V/L north side of Milestrip Road, west of Baker Road, across from Town Compost Center, Zoned R2 and R3.** (SBL#153.17-1-8). Alliance Homes would like to develop a 23-Lot Subdivision. Board to review and make determination to accept land or fees. Town Board referred to Conservation Board on 9/1/21.

APPEARANCE: Mr. Andrew Romanowski, Alliance Homes, Owner/Petitioner

Chairman Schechter explained that the Board is required to make a recommendation of whether or not proposed Subdivisions are to *pay recreational fees*, or provide a *land donation* to the Town, per § 25-4 of the Town Code. This recommendation is provided to the Planning Board, as the Town Board does not approve Subdivisions.

Mr. Romanowski explained the proposed project to the members, noting that development is limited due to the wetlands, and a tributary of Smoke Creek that runs through this 47+/- acre property. They are proposing to construct 23-Single Family homes on approximately 21-acres of this site, leaving the remaining acreage undisturbed. At the back northern border there is an existing Towne House complex, and he plans to have larger lots here to protect the stream corridor, the wetlands, and the natural buffer for the Townhouses.

Acting Planning Coordinator Orffeo noted that the property has two zones. The front part is R-2, and the back part is R-3; the R-3 zoning allows for more density. He also stated that the Recreation fees for this project total to \$37,950. (\$1,650 x 23-lots)

Chairman Schechter established with Mr. Romanowski that a lot, typically, sells for \$75,000 to \$85,000. He noted that it is not advantageous for Mr. Romanowski to donate land.

Acting Planning Coordinator Orffeo stated that overtime, without Town, State, or a Federal Agency to oversee the stream corridors, they tend to get filled-in, causing damage downstream and upstream. He feels that NYS DEC jurisdiction is needed to oversee this project.

Ms. Clabeaux stated that is why she is asking for protection for the wetland areas and stream corridor with a buffer area. She feels that, although the Petitioner is not required to do this, one-lot should remain undeveloped. She also noted her concerns for fragmentation occurring in other parts of the Town.

Mr. Orffeo concluded that he feels this is a stream corridor that you want to protect. You can always create access to it by taking land (30-ft.) from the Petitioner. This is done on a regular basis to get to the detention ponds all the time.

The Chairman confirmed with Deputy Town Attorney Bailey that there was a quorum present to vote. He then asked the members to choose land or fees, and this is their response:

Mr. Schechter, supports land.

Ms. Clabeaux, supports land.

Mr. Couch, supports fees.

Ms. Lebedzinski, supports fees.

Mr. Witt, supports fees.

A MOTION WAS MADE AND PASSED, THREE (3) IN FAVOR TO HAVE FEES PAID, AND TWO (2) SUPPORT A LAND DONATION.

Mr. Orffeo stated that this recommendation will go to the Planning Board. If they have questions it may be returned for further review.

Ms. Lebedzinski expressed her concerns regarding the donation of land and the liability issues that exist, or are created, for the Town.

Mr. Orffeo stated that the Town does not generally request a land donation unless there is connectivity with another subdivision and/or trail extension possibility. He also stated that the Planning Board has made a concerted effort to not have cul-de-sacs, and part of that is due to the cost factor to the Town and Mr. Leaks' Department.

The Chair discussed facts involving the "paying of fees", or a "land donation". He stated that several newer members on the Board would like to know how much it costs to maintain these "satellite" locations that Mr. Leak spoke of earlier, and are the taxpayers getting their "bang-for-the-buck"? Do the fees collected cover the cost of maintenance for "pocket parks", and "green space" areas? Chairman Schechter asked Ed Leak, Director of Recreation, Parks, and Forestry to comment on this.

OLD BUSINESS:

1. Ed Leak, Director of Recreation, Parks & Forestry to discuss with Board "pocket" parks and cul-de-sacs. Discussion will include cost/benefit to the Town.

Mr. Leak gave an overview of the maintenance provided by the Town for "pocket parks", and "green space" areas. He, also, answered Board member questions, and stated that he will provide the Planning Department with a list of approximately 28-locations that he oversees with his maintenance staff. He refers to these as "satellite locations", such as McFarland Park, and a Thomas Johnson development where Town employees maintain components of the site. It was learned that there are two accounts for the Recreation Trust fund money, and that money is diverted to also assist with the Community Centers' recreational needs. Mr. Leak stated that "codes" in the accounting system identify where the money is used.

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The Chairman concluded the discussion by asking that Mr. Leak to provide the list of satellite locations to the Planning Department.

2. Discussion of Street Trees – Board to setup committee, meeting dates and timeline for completion. A chairperson is needed for this subcommittee.

Bernadette Clabeaux volunteered to be the Chair of this subcommittee.

The meeting adjourned at 7:37 P.M.

DATED: 10/28/2022
REVIEWED: 11/01/2022

Respectfully Submitted
Rosemary M. Messina
Conservation Board Secretary

Richard J. Schechter, Conservation Board Chairman