

**SPECIAL PLANNING BOARD MEETING**  
**AUGUST 8, 2024, MEETING MINUTES**

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

**EXCUSED:** Remy C. Orffeo, Acting Planning Coordinator  
Alex Long

**OTHERS PRESENT:** Thomas Ostrander, Assistant Town Municipal Engineer  
Thomas Minor, Supervising Code Enforcement Officer  
John Bailey, Deputy Town Attorney  
Rosemary Messina, Planning Board Secretary  
Anna Worang-Zizzi, Director of Community Development

The Chairman 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.

Chairman Fabinsky stated that Mr. Mellerski, the Alternate Member, will vote this evening due to the absence of Mr. Long.

The Chairman reviewed the guidelines for public hearings, noting that individuals may only speak either in "favor" or "against" a project and can ask questions only in answer to one of those calls. Comments are limited to four- minutes to assure a fair opportunity for everyone to speak.

An audience member, Mr. Jeffrey Rayner, of Orchard Park, interrupted the Planning meeting demanding that a "motion to vacate" be made. This disruptive behavior occurred numerous times during the public hearing portion of the meeting.

**PUBLIC HEARINGS – 7:03 P.M.**

1. **P.B. File #34-2019, Quaker Lake Terrace, proposed 18-Lot Subdivision V/L located at the end of Quaker Lake Terrace, Zoned R-1. Applicant is seeking Planning Board Final Plat Plan Approval as the hearing was adjourned on 8/8/2024. Pre-Application Findings were made on 2/13/20. Preliminary Plat Plan Approval was granted on 2/10/22. (SBL# 173.00-1-2.11)**

**APPEARANCE:** Mr. Peter Liberatore, Property Owner  
Mr. Sean Hopkins, Attorney  
Mr. Chris Wood, Carmina – Woods Designs

The Chairman stated that the public hearing held on August 8, 2024 for Final Plat Plan approval was adjourned and is reconvened this evening. Individuals may speak in "favor" or "against" the project for a maximum of four-minutes. It was also affirmed that Pre-Application Findings were made on 2/13/20 and that Preliminary Plat Plan Approval was granted on 2/10/22. He asks that anyone that has previously spoken, to not repeat themselves.

**IN FAVOR:**

*Ms. Darlene Lake  
5 Old Farm Road  
Orchard Park, New York 14127*

Ms. Lake explained her concerns regarding the woods that was “chopped down”, mosquitoes, and the road used as a cut-through. She spoke of her disabled husband and the speeding traffic that is reported to the police and nothing is done. She feels a plan should be made to take care of this.

*Ms. Marta Kowtun  
49 Old Farm Road  
Orchard Park, New York 14127*

Ms. Kowtun appreciates the Applicant developing fewer homes than what he could have.

**IN OPPOSITION:** No one spoke

**Mr. Heppner made a MOTION, seconded by Mr. Kaczor to CLOSE the Public Hearing.**

THE VOTE ON THE MOTION BEING:

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

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

Mr. Hopkins stated that he discussed possible damages to the existing roadway by the primary developer, or subcontractors with Town Attorney Tim Gallagher. Until such time as the road is dedicated, a written agreement between the Applicant and the Town will be in place that addresses damages to the roadway. He further stated that he will be comfortable with that condition, and that the developer will pay for the repairs (any documented damage) associated with the project (either the primary developer or subcontractors) with a close inspection of the roadway, also to be performed by the Town Engineering Department, prior to the new roadway being deeded.

Mr. Wood discussed the endangerment to the Bats’ habitat and their caution used.

Mr. Kaczor established that due to the Bats’ habitat practice, (according to the *U. S. Fish & Wildlife*) the time period to cut down trees and vegetation is April through November 2024. He also feels all questions have been answered and addressed from the public hearing.

Mr. Heppner spoke on the roadway and its deterioration. He feels that the Town Highway Department must examine the roadway and its current condition, prior to construction vehicles using it, and if anything is created by the construction trucks it is to be addressed.

Dr. Bennett discussed having a wild life study performed here.

Mr. Heppner made a **MOTION**, seconded by Mr. Kaczor to **APPROVE** the Final Plat Plan to this 34.4 +/- acres V/L, 18-lot subdivision based on the submitted Final Plat Plan received September 4, 2024 with the following conditions:

1. This is an Unlisted SEQR action based on the submitted Short EAF Parts 1 and a Negative Declaration was made on 2/10/22.
2. Pre-Application Findings were made by the Planning Board on 2/13/20.
3. Preliminary Plat Plan Approval was granted on 2/10/22.
4. Public Hearing and Subdivision Development fees have been paid.
5. Recreation fees will not be required in accordance with Section 144-70E of the Town Code as land has been provided.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lots per Section 120-3F of the Town Code.
7. Town Engineering Final Plat Plan Approval has been granted on 9/5/2024.
8. The Town roadway (Quaker Lake Terrace) and access to the construction site shall be inspected by the Town Engineering Department prior to the start of this project, with a close inspection of the roadway shall also to be done by the Town Engineering Department prior to the new roadway being deeded. The developer will pay for the repairs (any documented damage) associated with the project (either the primary developer or subcontractors) until such time as the road is dedicated, and is subject to a written agreement between the Applicant and the Town.

THE VOTE ON THE MOTION BEING:

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

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

2. **Rezoning to DR-2**, Planning Board to make a recommendation to the Town Board on the proposed rezoning of approximately 584.98 Acres to Development and Research 2, a new Zoning Designation.

The Chair recommends to Table their review as they need further information.

Mr. Heppner made a Motion, seconded by Mr. Fabinsky to **TABLE** this item for further review.

OTHER BUSINESS: The Board was asked by a resident to answer questions. Mr. Kaczor stated that they cannot answer or comment on his questions as it is not on their agenda.

Chairman Fabinsky described the process for public input.

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

DATED: 9/16/2024  
REVIEWED: 10/4/2024

Respectfully submitted,  
Rose Messina  
Recording Secretary

Harold Fabinsky, Planning Board Chairman