

PLANNING BOARD JANUARY 9, 2025 MEETING MINUTES

MEMBERS: Harold Fabinsky, Chairman
Nicholas Baich
David Kaczor
Henry Heppner
Gregory Bennett
Alex Long
David Mellerski, Alternate

EXCUSED: Philip Murray

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

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.

Upon a motion duly made and seconded, the reading of the October Regular Meeting Planning Board minutes will be voted upon. The reading of these minutes was unanimously waived, as each Board Member had previously received a copy

Dr. Bennett made a **MOTION**, seconded by Mr. Long, to **APPROVE** the Minutes of the October, 2024 meeting as presented.

FABINSKY AYE
BAICH AYE
BENNETT AYE
KACZOR AYE
HEPPNER AYE
LONG AYE
MELLERSKI AYE

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

REGULAR BUSINESS:

1. **P.B. File #45-24, Vacant Land Bunting Road, located near the intersection of Draught Road and Bunting Road and extending to Newton Road, Zoned A-1.** Applicant is seeking Planning Board approval of Pre-Application Findings for this proposed 4-lot subdivision on an 11.82+/- acre parcel. (SBL#184.00-5-10.11)

APPEARANCE: *Joseph Iafallo – Owner*
Joseph Iafallo Jr. – Architect

The Chair noted that Pre-Application findings were an administrative action, and a simple establishment of facts by the Planning Board and an acceptance here did not constitute any sort of Approval. He explained that this was the beginning of the process.

Mr. Hepner made a **MOTION**, seconded by Mr. Baich, that regarding Planning Board Subdivision File #45-2024, the following Pre-Application Findings are made based on the submitted Site Plan received 11/15/24, and the Applicant has detailed:

- The total acreage is 11.82 +/- Acres
 - The desired zoning classification is A-1 Zone.
 - The number of possible stages of completion is four (4).
 - The applicant's position with respect to title is "Owner"
1. All public notices have been filed.
 2. The zoning will remain as is.
 3. Access to surrounding properties is through Bunting, Draught & Newton Roads.
 4. Recreation fees will be provided in accordance with Section 144-70E of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.
 5. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
 6. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.

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| FABINSKY | AYE |
| BAICH | AYE |
| BENNETT | AYE |
| KACZOR | AYE |
| HEPPNER | AYE |
| LONG | AYE |
| MELLERSKI | AYE |

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

Mr. Kaczor made a MOTION, seconded by Mr. Hepner, regarding Planning Board Subdivision File #45-2024, to set a preliminary plat plan public hearing when the Chairman deems it appropriate.

2. **P.B. File #40-24 (also known as P.B. File #03-24), 10 Cobham Drive, located in the Krog Industrial Center, Zoned I-1**, "Mission Systems Orchard Park Inc.", (previously known as "Carleton Controls"), Zoned I-1, is requesting Planning Board recommendation for the adjacent Vacant Land they own, Zoned R-3, be rezoned to I-1. (SBL#'s 161.18-2-2 & 161.18-2-1)

APPEARANCE: *Mike Hines – Eaton Mission Systems*
Ray Murphy – CFE Architects

Dr. Bennett discussed the potential for lost trees, and wondered if that loss could be offset. Mr. Murphy noted that they had landscape plan approval from the Conservation Board, however he feels they are willing to work with the Town.

The Chairman discussed trees and expressed a desire to maintain the character of the neighborhood, noting that the project abuts a residential area. He stated that the Board will be looking for this, if the project is approved by the Town Board for rezoning, when it returns to the Planning Board for Site Plan Approval.

Mr. Hepner noted that the Town always prefers more trees to less. He stated that it was nice to see an existing business be successful and expand, and that the Town should make whatever reasonable effort is possible to make this expansion successful.

Mr. Kaczor echoed the sentiments of Mr. Hepner.

Mr. Baich welcomed the project.

Mr. Kaczor made a **MOTION**, seconded by the Chair, regarding Planning Board File #40-24, to recommend the Town Board **Approve** the request to Rezone 2-parcels, (SBL#161.18-2-2 & 161.18-2-1) totaling 6.65 +/- Acres V/L from R-3 to I-1 Industrial, to allow expansion of assembly and warehousing operations at the Mission Systems Facility addition, based on the following conditions and stipulations:

1. All public notices have been filed.
2. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
3. The 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. Access to the parking area shall be through Cobham Drive and California Road.
5. The Planning Board recommends the Town Board set a Public Hearing date for this rezoning.

ON THE QUESTION:

Mr. Hepner stated that the Applicant should “pay special attention” to issues of landscape buffering and light intrusion with regard to the abutting residential neighborhood as this project progresses.

THE VOTE ON THE MOTION BEING:

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| FABINSKY | AYE |
| BAICH | AYE |
| BENNETT | AYE |
| KACZOR | AYE |
| HEPPNER | AYE |
| LONG | AYE |
| MELLERSKI | AYE |

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

3. **P.B. File #1-23, 3856 Taylor Road, located on the west side of Taylor Road, south of Southwestern Blvd. Zoned I-1.** Joseph DeMarco Jr. is requesting Planning Board recommendation of approval to construct a 50-ft. x 240-ft. Office/Warehouse Building, 1.3-acres, Zoned I-1. (SBL#161.00-5-31). A Variance was granted by the Zoning Board of Appeals for a 30 foot front setback on 2/21/23

APPEARANCE: *Doug Feyes – Carmina Wood Design*

Mr. Feyes described the parcel, noting that the project had Conservation Board and Engineering Approval.

The Chairman established with Assistant Municipal Engineer, Tom Ostrander that the project had full Engineering Approval and that Town Engineering had no issues with the project. The Chairman discussed the Variance granted with the Applicant.

Mr. Kaczor inquired if there was a tenant for this project, and the Applicant responded affirmatively and stated that the tenant was Vastola heating and cooling, an existing business in Orchard Park. Mr. Kaczor stated that he supported that use, and feels it is good use of industrial land.

Mr. Baich established that this would be an expansion of Vastola’s business.

Mr. Long established that no hazardous materials would be stored on sight.

Mr. Hepner established that all four sections of the warehouse would be for vastols, and that three to five employees would be on site at a time.

Dr. Bennet inquired about perfluorocarbon. The Applicant stated that some traces might be in equipment but they do not intend to store refrigerant here.

Mr. Mellerski inquired about traffic, and the Applicant stated that the business hours would be roughly from 7am to 5pm, and the peak traffic would be "loading up" in the morning, and returning in the evening.

The Chairman discussed lighting with Assistant Municipal Engineer, Tom Ostrander, who felt it would be appropriate to the Site.

Mr. Baich felt that it was nice to see an existing business expand in Orchard Park.

Mr. Long made a **MOTION**, seconded by Mr. Kaczor, regarding Planning Board File #01-2023, to recommend that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit, to construct a 50-ft. x 240-ft. Office/Warehouse Building, upon 1.3 acres, per the plan received on 3/28/24, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an UNLISTED SEQR Action, based on the Short EAF submitted on 3/28/24, and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. An Area Variance was granted on 2/21/23 by the Zoning Board of Appeals for a 30-ft. front setback
5. No outside storage or display is permitted.
6. The Landscape Plan, received 6/04/24, was approved with the Total Green Space meeting the Town requirement of 20%. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$16,175 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$8,087.50) Conservation Board approval was granted on 5/2/23.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
8. The applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser
9. Engineering Approval was granted on 12/11/24.

THE VOTE ON THE MOTION BEING:

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| FABINSKY | AYE |
| BAICH | AYE |
| BENNETT | AYE |
| KACZOR | AYE |
| HEPPNER | AYE |
| LONG | AYE |
| MELLERSKI | AYE |

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

- 4. **P.B. File #34-24, Lexington Heights (Birdsong Parts 4 & 5), located west of Transit Road and North of Jewett Holmwood, Zoned R-1.** Applicant is proposing rezoning from R-1 to R-1 with a Conservation Management Overlay. Planning Board to accept Lead Agency Status.

APPEARANCE: *Sean Hopkins – Attorney*
David Cappretto – Cappretto Homes

Mr. Hopkins described the history of the project and noted that they had had extensive meetings with the existing HOA. He stated that a letter from the HOA president had been submitted to the Board, and discussed the planned “emergency access gates” noting that they would be filing a Declaration of Restrictions at the Erie County Clerk’s Office to insure the gates would remain in place.

Mr. Kaczor made a **MOTION**, seconded by Mr. Mellerski, with Regard to File #36-24 “Lexington Heights” CMO request, that the Planning Board declare themselves Lead Agency for this project’s SEQR action.

THE VOTE ON THE MOTION BEING:

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| FABINSKY | AYE |
| BAICH | AYE |
| BENNETT | AYE |
| KACZOR | AYE |
| HEPPNER | AYE |
| LONG | AYE |
| MELLERSKI | AYE |

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

CONCEPT REVIEW:

- 1. **P.B. File #46-24, Harvest Hill Golf Course. 3052 Transit Road, Harvest Hill Golf Course, located near the 9th hole green, Zoned R-2 and R-3.** Applicant is requesting to construct a “caretaker’s dwelling” (SBL #153.08-2-6.111)

APPEARANCE: *Ross Celino – Owner*
Joseph Iafallo Jr. – Architect

The following points were discussed:

- The “caretaker’s dwelling” will be located off the main entrance of the Golf Course.
- It would be similar to the existing clubhouse in design.
- It would not be very visible from Transit Road.
- No additional traffic would be created.
- It would be a residential building and no equipment would be stored there.
- Currently the plan is that it would only be occupied during the warmer months when the golf course is open, however that plan may change in the future.
- Lighting would be limited to standard residential lighting on the house.

Mr. Ostrander discussed Engineering Approval procedure with the Applicant.

2. **P.B. File #43-24, 4117 Abbott Road, located on the northwest corner of Abbott Road and Allen Street, Zoned DR-2.** Golden Armor Properties is proposing the demolition of an existing home, and the phased development of two, two-story commercial buildings. (SBL#161.17-3-9.1)

APPEARANCE: *Joseph Iafallo – Owner*
Joseph Iafallo Jr. - Architect

The Chairman made note of a potential Zoning issue, with rezoning potentially underway.

Under the advice of Deputy Town Attorney, John Bailey, the Planning Board Adjourned the review of this item until such time as the Town takes action on the rezoning.

There being no further business, the Chairman adjourned the meeting at 7:39 P.M.

DATED: 1/31/25
REVIEWED: 2/2/25

Respectfully submitted,
Anna Worang-Zizzi

Hal F.

Harold Fabinsky, Planning Board Chairman