P.B. Meeting #02 Regular Meeting #02 Date: February 13, 2020 Page 1

**MEMBERS PRESENT:** Harold Fabinsky, Chairman

 Nicholas Baich

 Paul Bodden

 Henry Heppner

 David Kaczor

 Joseph Liberti

 Philip Murray

 Julia Mombrea, Alternate

**OTHERS PRESENT:** Remy C. Orffeo, Acting Planning Coordinator

 Timothy Gallagher, Deputy Town Attorney

 Steven Bremer, Supervising Code Enforcement Officer

 Thomas Ostrander, Assistant Town Municipal Engineer

 Rose Messina, Planning Board Secretary

The Chair announced fire alarm exit procedures and called the Planning Board meeting to order at 7:00 P.M.

by stating 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 Chairman stated that the January 9, 2020 meeting minutes are not available and will be voted on at a future meeting. Upon a motion duly made and seconded, the reading of the December 2019 Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Baich noted a correction to the minutes as follows; pages 5, and 7, Mr. Bodden was not present nor voting. It should read that the Alternate, Mr. Baich, voted.

Mr. Heppner made a motion, seconded by Mr. Bodden to accept the December 12, 2020 meeting minutes as corrected.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

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

1) P.B. File #34-19, Quaker Lake Terrace Subdivision, 36.4 +/- acres Vacant Land, located at the south end of the existing Quaker Lake Terrace dead-end, bounded on the west by existing single-family homes along Winterhall Road, and on the north along Old Farm Road, and Vacant Land to the south and east, Zoned R-1. Requesting Planning Board Pre-Application Findings for a proposed 17-Lot Subdivision. (SBL#173.00-1-2.111)

 APPEARANCE: Mr. Chris Wood, Carmina ⦁ Wood ⦁ Morris

 Mr. Peter Liberatore, Developer

 Mr. Wood presented and explained to the Board the proposed plans for a 17-lot, single-family, subdivision to be constructed on approximately 36-acres of vacant land. He noted that an existing

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 detention basin that partially serves the Stonehenge residents will be made larger to take care of both areas. This will save the Town money by having only one detention area to maintain. He also told the members that environmental studies are taking place and that an approval letter from the State Historic Preservation Office (“SHPO”) is included in their submission. He further explained that the existing Quaker Lake Terrace public roadway will be extended 725-ft. to access the proposed subdivision. The subdivision was designed with a Town approved style cul-de-sac and is less dense due to having fewer lots in its design.

 The Chair asked the Board members if they had questions regarding the project. The following was established:

 Mr. Heppner established that the existing basin will be expanded to create one functional basin for the Town to maintain for both areas.

 The Chair established that the cul-de-sac is designed with a large island in the middle and will not hinder Town plowing vehicles.

 Mr. Bodden established that the cul-de-sac will be constructed per the Town’s new standards.

 Mr. Kaczor established that the average size of a lot is 25,000-sq.ft. The largest lot in the project is 631,000 sq.ft. The homes constructed here will range in size from approximately 2,500-sq.ft. to 5,000-sq.ft.

 Mr. Liberti made a **MOTION**, seconded by Mr. Heppner that the following Pre-Application Findings are made based on the submitted Sketch Plan received 11/06/19 and the applicant has detailed:

* The total acreage is 34.4 +/- acres.
* The desired zoning classification is R-1.
* The number of possible stages of completion is 1.
* The applicant's position with respect to title is Property Owner.
1. The zoning will remain as is.
2. Access to surrounding properties is through Quaker Lake Terrace.

 3. Recreation fees and/or deeded land will be provided based on the recommendation of the Town Conservation Board, in accordance with Section 144, Attachment 1:4 (E) of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.

1. Subdivision Development fees, per Section 144, Attachment 1:4 (D) of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
2. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.
3. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lot per Section 120-3F of the Town Code.
4. The applicant has completed and submitted the Short EAF, Part 1 for this Unlisted SEQR Action.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

THE **MOTION BEING (7) SEVEN IN FAVOR, THE MOTION IS PASSED.**

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2. P.B. File #37-19, Creek Bend Developers, 34.1 +/- acres Vacant Land, located on the north side of Milestrip Road, east of Province Town Lane, Zoned R-3. Requesting Planning Board Pre-Application Findings for proposed 9-Lot Subdivision. (SBL#153.17-1-1.1)

 APPEARANCE: Mr. Christopher Andrzejewski, Engineer

 Mr. Jayesh Patel, Bend Creek Developers LLC

 Mr. Christopher Andrzejewski gave a brief summary of the project, noting that there will be Nine Building Lots, with one parcel dedicated for Stormwater Management. The wetland delineation for the site is completed, and an application was made to the Army Corps of Engineers for approval. Mr. Andrzejewski stated that they have not yet heard back for the proposed cul-de-crossing (bridge).

 Mr. Baich discussed the building lot sizes and it was established that they are approximately 3-acres each. The homes constructed here will be 4,200-sq.ft. to 4,500 sq.ft.in size.

 Mr. Liberti discussed the bio-retention area and established that it is approximately 1-acre in size. This entire lot is dedicated to Stormwater Management.

 Mr. Kaczor stated that he feels this is going to be an amazing feat of engineering to develop this property. He also feels it is a benefit to have the larger lots, and he expressed concern for the 100 and 500-year flood plain events. Mr. Andrzejewski referred to the presented Site Plan and told the members that the homes are not located in the flood plain and that they did their best to stay out of the wetland areas.

 Mr. Bodden discussed the two zones that the property is located in; R-1and R-3. He would like to know what would prevent a person from constructing a R-3 residence here. Mr. Andrzejewski stated that it would be the size of the lot. Mr. Bodden further established that the Applicant will initially start construction of the first three lots. The other lots will be developed in the future. He also established that this will not be a “gated community”. Residents here will be Mr. Patels’ family members, along with partners or friends.

 Chairman Fabinsky discussed that all of the homes within the site meet the same standards for the Board to grant approval. He told Mr. Patel this may be a stipulation if the project is approved.

 Mr. Patel stated that all the residences will have to meet the same standards.

 The Chair asked Mr. Bremer if this is a problem and he did not feel that it would be.

 Mr. Heppner discussed the Site Plan, affirming that the project has cul-de-sacs, a public road, and that it will meet all the Towns’ specifications. He also established that there are no variances needed for this project.

Mr. Heppner made a **MOTION**, seconded by Mr. Bodden, to make Pre-Application Findings based on the submitted Sketch Plan received 02/22/19 and the applicant has detailed:

* The total acreage is 34.1 +/- acres.
* The desired zoning classification is R-2.
* The number of possible stages of completion is 1.
* The applicant's position with respect to title is Property Owner.

 1. The zoning will remain as is.

 2. Access to surrounding properties is through Milestrip Road.

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3. Recreation fees and/or deeded land will be provided based on the recommendation of the Town Conservation Board, in accordance with Section 144, Attachment 1:4 (E) of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.

4. Subdivision Development fees, per Section 144, Attachment 1:4 (D) of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.

5. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.

6. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lot per Section 120-3F of the Town Code.

7. The applicant shall complete and submit the Long EAF, Part 1 for this Unlisted SEQR Action.

8. Part 2 of the SEQR shall include impact on Traffic, Public Services, Wetlands, and a report on Soil Conditions at the site, and any special design requirement due to soil conditions.

THE **VOTE** ON THE **MOTION** BEING:

 FABINSKY AYE

 BAICH AYE

 BODDEN AYE

 HEPPNER AYE

 KACZOR AYE

 LIBERTI AYE

 MURRAY AYE

 THE **MOTION BEING (7) SEVEN IN FAVOR, THE MOTION IS PASSED.**

1. P.B. File #06-2020, Sturdi-Built Sheds, 2881 Southwestern Blvd. Zoned B-2. Requesting Planning Board approval for renewal of an Outside Display. (SBL#153.06-2-3)

 APPEARANCE: Ms. Sarah O’Brien, Representing client

 Mr. David Delarange, Sturdi Built Sheds

 Ms. O’Brien gave a brief presentation asking if they could have a two year approval for a 12-shed display. She told the members that this request is identical to the requests of 2014, 2015, 2016, and 2017. The display has not had any changes made to it.

 Mr. Heppner spoke in favor of the shed display stating that he is impressed with how nice it looks.

 Mr., Baich discussed the length of time for the renewal and it was determined that a period of three-years will be granted, upon approval of the Building Inspector’s office each year.

 Mr. Heppner made a **MOTION**, seconded by Mr. Bodden to **GRANT** the Outside Display from April 1st to October 31st 2020, to allow a total of 12 sheds displayed, based on the location plan received 1/28/2020. The following conditions and stipulations are to apply:

1. This is a Type II SEQR action and therefore no SEQR determination is required.

2. There will be no additional outside lighting for the display or temporary structure.

3. Signage for the Outside Display will be limited to one sign during the Outside Display Times. Signage is limited to a maximum of 20-sq.ft and must be removed at end of approval period.

4. The Outside Display is Granted for 2020, and approval for 2021 and 2022 will be upon the approval of the Building Inspector.

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THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

THE **MOTION BEING (7) SEVEN IN FAVOR, THE MOTION IS PASSED.**

4. P.B. File #36-19, Mighty Taco, 3340 – 3350 Southwestern Boulevard, located on the north side of Southwestern Boulevard, in “The Commons/Creekside Plaza”, Zoned B-1. (SBL#152.16-6-1.2) Benderson Development is requesting a “Special Exception Use Permit” to construct a stand-alone 1,910 sq. ft. Restaurant, with a drive-thru, and on site improvements. Planning Board to make recommendation to Town Board on “Special Exception Use Permit”.

 APPEARANCE: Mr. David Zuppelli, Project Site Engineer, Benderson Development

 Mr. Douglas Hutter, Zaxis Architectural

 Chairman Fabinsky stated that the Applicants are seeking the Planning Board’s recommendation to the Town Board for a “Special Exception Use Permit” to construct a new Mighty Taco restaurant with a drive-thru. He asked that they present and explain their project to the Board.

 Mr. Zuppelli stated the project is proposing to construct a new 1,900-sq.ft. Mighty Taco drive-thru restaurant at this site. He indicated on the Site Plan where the restaurant will be located at the front of the property. The lot is approximately 4-acres in size, and this project will use .7-acres of the site. He explained details involving their storm water management, noting that this will be discussed with the Town Engineering Department as we move forward with this project. He explained the truck turning radius, the queuing line allowing room for 7-vehicles to stack. He noted several ways a vehicle could depart the queuing line. Vehicles do not stack at Mighty Taco as long as they do at other take-out restaurants. The drive-thru orders are processed quickly. You place your order and pick up your food in less than two-minutes. He told the Board that there will be an outdoor patio, and renovations will be made to the existing parking lot with interior landscaped islands, and additional parking spaces.

 Mr. Ostrander discussed the stacking of vehicles, noting that he does not anticipate any stacking issues at this location.

 The Board members established the following:

⦁ Mr. Kaczor discussed his on-site review of a Mighty-Taco drive-thru restaurant located on Sheridan Drive in Amherst, New York. He found the proposed building appealing and did not see stacking issues with traffic from 10:00 A.M. and 11:30 A.M. He established that the 10% Green Space is met at this site, and that the Landscaping Plan was approved by the Conservation Board at their 1/7/2020. Mr. Kaczor also discussed the Area Variance the Applicants are seeking from the Zoning Board of Appeals on 2/18/2020 to allow parking spaces within 50-feet of the street line. Mr. Kaczor concluded stated that he is comfortable with this request.

⦁ Mr. Bodden discussed the parking lot and drainage at the site. Mr. Zuppelli told the Board that there is no designated parking at this site.

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⦁ Mr. Liberti discussed increasing the parking spaces at the site. It was learned that there are currently 143-parking spaces and the Applicant’s will be adding ten additional spaces, bringing the total to 153-parking spaces at this site, making the site Town Code compliant. The proposed project for the Orchard Park site is smaller than the Mighty-Taco drive-thru located in East Aurora, New York.

⦁ Mr. Baich discussed the seating capacity for the restaurant and Mr. Zuppelli stated there are 42-seats. Mighty Taco’s typically have 60% of their business come from their drive-thru service window.

⦁ Ms. Mombrea established that Benderson Development owns this property and will also own the proposed building.

⦁ Mr. Kaczor affirmed that they do not own the adjacent property, west of the shared driveway.

⦁ Mr. Heppner believes their stacking need is accurate. This is an efficient business.

 Mr. Kaczor made a **MOTION**, seconded by Mr. Bodden, to recommend to the Town Board that the request for a “Special Exception Use Permit” to construct a stand-alone, 1,910-sq.ft. “Mighty Taco” Restaurant with a drive-thru, and on-site improvements, at 3340-3350 Southwestern Boulevard, located on the north side of Southwestern Boulevard in the Commons/Creekside Plaza, Zoned B-1, per the Town Schedule Of Use Controls be **APPROVED**, based on the following:

1. This is an Unlisted SEQR action based on the submitted Full EAF Parts 1 & 2, and a Negative Declaration shall be made.

2. Public Hearing fees must be paid prior to the public hearing, Section 144-69 of the Town Code.

3. Article VI (Section 144-43(c)(1-11) has been satisfactorily addressed as follows:

 a. The proposed project is in compliance with the Town's long-range Comprehensive Plan.

 b. The applicant has demonstrated a need for the project.

 c. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.

 d. The applicant has demonstrated an orderly flow of traffic ingress and egress.

e. The applicant has provided suitable parking facilities.

f. Landscaping as indicated on the proposed plan provide adequate screening.

g. Free area for recreation is not required.

h. The nearness and impact on schools and utilities is not an issue.

i. The health and safety of adjacent properties is not affected.

4. This recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 01/31/2020 and receiving an Area Variance from the Zoning Board of Appeals. The project shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.

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 **ON THE QUESTION:**

 Mr. Heppner discussed the Planning Board’s review process.

 Acting Planning Coordinator Remy Orffeo stated that if the Town Board approves the Special Exception Use Permit, this project will appear before the Planning Board again for a Site Plan review.

THE **VOTE** ON THE **MOTION** BEING:

 FABINSKY AYE

 BAICH AYE

 BODDEN AYE

 HEPPNER AYE

 KACZOR AYE

 LIBERTI AYE

 MURRAY AYE

 THE **MOTION BEING (7) SEVEN IN FAVOR, THE MOTION IS PASSED.**

5. P.B. File #11-18, Smokes Creek Farms, Vacant Land located on the south side of Jewett-Holmwood Road, east of Deer Run Road, Zoned R-1. (SBL#’s 173.19-3-2.1 & 173.19-3-1.211) Board to review SEQR process and Environmental Impact Study (EIS).

 APPEARANCE: Mr. Chris Wood, Carmina ⦁ Wood ⦁ Morris

 Mr. Sean Hopkins, Attorney, Hopkins/Sorgi/McCarthy

 The Chair explained that the Board reviewed this project and their action taken at the February 9, 2020 meeting, of granting “Preliminary Plat Plan Approval”, and issuing a “Positive Declaration”. They opted to step back and take a look at the entire process. The major concern is the Smokes Creek watershed and potential flooding. He reported that a meeting was held with the Acting Planning Coordinator, Town Engineer, Deputy Town Engineer, and the Engineering Firm representing the Petitioner, agreeing to afford the petitioner an opportunity to develop a plan that would to insure that the project would have no adverse downstream impact. They found that the resulting proposed plan will be a betterment of the watershed hydraulics. Chairman Fabinsky stated that, based on engineering evaluation, the group felt confident that the construction of the project appears to be a benefit, rather than a cause for additional concern for the area. The issue was addressed, making obviating the need for a Positive Declaration. He requests that Mr. Wood give a brief summary of the project in its current form.

 Mr. Wood explained that they pursued additional tweaking of the Storm Water report. A revised document was submitted to the Planning Department for review by the Town Engineering Department. He further explained that after the work for the bridge replacement on Freeman Road and the Freeman Pond Dam was completed, the flooding issue was resolved. The updated report will be made available to the public with the additional water storage calculations noted in the summary.

 The Chair asked if the members had questions for the Applicants.

 Mr. Murray discussed a correspondence from Mr. Hopkins indicating twice that the proposed project will not result in any adverse drainage or flooding impacts.

 Mr. Wood stated that he stands by this statement.

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 Mr. Murray also discussed the submitted Long Environmental Assessment Form (EAF), where it is written that this area will discharge into Smokes Creek. This makes Mr. Murray feel he needs to have Mr. Wood sign-up for “some kind of guarantee”. He noted that the EAF was predicated on the fact that there was going to be a new drainage district. In view of that, he was surprised to read what he assumes is “continuous discharge” into Smokes Creek.

 Mr. Wood asked Mr. Murray what he meant by *continuous*; “Never ending?”, or “we are going to continue to discharge?”

 Mr. Murray, stated it depends on the eyes of the reader what the sentence meant.

 Mr. Wood asked Mr. Murray which EAF is he referring to; the one for the drainage district, or the EAF for this project?

 Mr. Murray stated that the EAF for both projects use the same phrase. Mr. Murray feels this is a serious issue, and he would like a guarantee that there will be no adverse impact downstream to the Town or the Village. He feels that some type of adverse impact should have been found. He reports that he did not read anything in the EAF about the “water macro sense” of what is going on in the watershed. Nor, did he see anything noting that the NYS Department of Environmental Conservation’s (DEC) Water Inventory/Priority Water Bodies List (WI/PWL) indicates Smokes Creek is a serious issue. As this issue is serious with the NYS DEC, and he wants this concern to be serious with this process, and with the next project down the street, in what happens downstream.

 Mr. Wood explained that their project will be a benefit to Smokes Creek. Prior to building anything, they are reducing the water downstream by 62%.

 Mr. Murray stated that if you continue to discharge into Smokes Creek he does not see how the statistics match-up in terms of how much is put in; how much is better, and how big is the improvement.

 Mr. Hopkins stated that the rate of discharge under the post-development conditions here for ten-year, twenty-five-year, fifty-year, and one-hundred year storms is lower than it is today at the site with nothing yet constructed. In addition, under the current requirements the water will follow Storm Water Quality regulations.

 The Chair asked for Mr. Ostrander to comment. Mr. Ostrander explained that the Applicants are following the Town, State and Federal standards. The Town Engineering Department has reviewed and verified all calculations submitted. The project will be a betterment to the site and the area as the water is being detained over a longer period of time, and then discharged over a longer period of time.

 Mr. Wood offered to provide the members with further documentation regarding the hydraulic outflow.

 Mr. Fabinsky made a **MOTION**, seconded by Mr. Baich, to,

1. Rescind the motion declaring a Positive Declaration and granting Preliminary Approval Subdivision Findings made by the Planning Board at its January 9, 2020 planning board meeting.

2. Prior to Preliminary Approval the Applicant shall provide reports documenting increasing the two-year flood storage and restoring the 100-year flood plain capacity.

3. Prior to Preliminary approval the Applicant shall provide a Downstream Corridor Study.

ON THE QUESTION:

Mr. Murray discussed if the motion will preclude the possibility of a Positive Declaration.

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The Chair stated the motion resets the project to its status prior to the January 9, 2020 meeting.

THE **VOTE** ON THE **MOTION** BEING:

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

THE **MOTION BEING (7) SEVEN IN FAVOR, THE MOTION IS PASSED.**

**CONCEPT REVIEW:**

1. P.B. File #01-2020, Bliss Office Building, 4370 South Taylor Road, located on the west side of South Taylor Road, just north of US Route 20A (Big Tree Road), Zoned I-1. (SBL#172.07-1-6.1) Paul Bliss is requesting to construct a 2-Story, 12,000 gsf Office Building with 44-parking spaces and on-site utility improvements.

 APPEARANCE: Mr. Chris Wood, Carmina ⦁ Wood ⦁ Morris

 Mr. Paul Bliss, Applicant/Property Owner

 Mr. Wood presented and explained the request to construct a two-story, 12,000-gsf Office Building with 44-parking spaces and on-site improvements. He described the location of the site noting that a former “yellow” dental office had been located here. The exiting yellow building will be demolished.

 Mr. Baich discussed what the purpose of the building would be and Mr. Wood stated it is strictly for office space.

 Mr. Liberti established that there is no tenant at this point in time, and therefore the hours of operation are not available.

 Mr. Kaczor stated that he feels this is an improvement to the property.

 Mr. Bodden would like color elevations submitted for review. He feels the project fits in this I-1 Zone.

 Chairman Fabinsky discussed if the new building will obstruct motorists’ site vision at this intersection of South Taylor and Route 20A. Mr. Wood stated that the building is placed back further at the site and it will not obstruct site vision.

 Mr. Heppner stated he feels this is an improvement and a good project.

 The Chair canvassed the Board and all responded that they had no issues with this project.

2. P.B. File #02-2020, 5020 Armor Duells Road, Request by HIP Development + Construction, Zoned B-2. (SBL#183.08-4-6) Applicant would like to expand leasable space, construct a Lacrosse athletic training center and make site improvements.

 APPEARANCE: Mr. & Mrs. Craig Van Tine, Applicants/Property Owner

 The Van Tines presented and explained their plan to construct two-buildings at their existing plaza,

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 expand their parking lot, and create site improvements.

 Building 1 is a “connector building” between Building 1 and Building 2. Building 1 will consist of 2,175-sq.ft. of leasable space for businesses centered on the focus of youth development of lacrosse in the Southtowns. Building 2 will be used as a Lacrosse Athletic Training Center. The building height will be Code Compliant with the Towns’ Zoning Law. Mr. Van Tine stated that they would like to have the Board’s comments on their need of a rear Setback Variance. They are looking to have a 10-ft. rear setback and the Code requires 20-ft.

 Chairman Fabinsky asked Mr. Bremer to comment on this.

 Building Inspector Stephen Bremer stated that he feels the rear Setback Variance request is not significant.

 Mr. Van Tine stated that a Residential Vacant lot is located here, and this property is Zoned R-1. They would like to purchase the lot and will continue to research this aspect.

 Mr. Kaczor discussed the number of parking spaces at the site. Currently there are 32-parking spaces. The Site Plan proposes to construct 14-new parking space here, making the total number of spaces at the site 54. Mr. Kaczor expressed concern for the number of parking spaces at the site, and suggests the Applicants find additional spaces. Mr. Kaczor feels they should pursue purchasing additional property for parking spaces.

 Mr. Heppner stated he feels this will be a great facility. He also expressed his concern for when the schools are closed, as the number of parking spaces may not be adequate.

 Mr. Bodden discussed the project needing the Variance and advises they schedule to appear before the Zoning Board of Appeals. He feels this is a nice project.

 Mr. Liberti stated he feels this is an attractive project and great for our youth. However, he is concerned about the number of parking spaces as well. He affirmed with Mr. Van Tine that the total square footage of the site at build-out will be 22,407-sq.ft., which is 40% lot coverage.

The Chairman established that the Board finds this a potentially positive project.

3. P.B. File #38-19, Quaker Crossing Plaza, located on the north side of Milestrip Road, Zoned B-1.Gerald Buchheit is requesting a Special Exception Use Permit to construct a 20,000-sq.ft. Outparcel Building in space no longer utilized for parking by the Regal Cinemas. Town Board referred to Planning Board on

 APPEARANCE: Mr. Gerald Buchheit, Developer and Owner

 Mr. Buchheit presented and explained his plan to construct an Outparcel Building to the Board. He noted that the Regal Cinemas Theatre updated and remodeled their patron seating with large recliners. This update reduced the number of seats in the theatre by 60%, and left unused parking spaces outside.

 As the parking spaces are no longer utilized by Regal Cinemas, Mr. Buchheit would like to construct a 20,000-sq.ft. Building at the southwest corner of the plaza, near Red Robin, tentatively for two tenants. He told the members that the Building Inspector affirmed that he is in compliance with the Town’s parking ordinance. The new building will require 100 parking spaces and he is providing 104 spaces.

 Based on the theatre seating, the parking needs 218-less spaces for the theatre.

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 The members established that,

⦁ Chairman Fabinsky discussed the service road at the perimeter of the property, noting that there are no dead-ends. He also established that Regal has a ten-year lease that eliminates the theater’s option to revert back to regular seats.

 ⦁ Mr. Murray established that a pedestrian crosswalk could be put in to access Red Robin.

 ⦁ Mr. Kaczor spoke highly of Mr. Buchheit’s plaza.

 ⦁ Mr. Liberti Stated he feels this is a good project. He, too, spoke highly of Mr. Buchheit’s plaza.

 ⦁ Mr. Baich spoke of how he feels the plaza is nicely decorated during the holidays.

 ⦁ Mr. Bodden discussed the view of the back of the proposed building with Mr. Buchheit.

 Mr. Orffeo will contact Conservation Board Chairman, Richard Schechter, and verify if the Board will need to review a landscaping plan for this project, as the area is made-up of an impervious surface.

 Chairman Fabinsky indicated the board will have no issue in forwarding this item to the Town Board for a public hearing, as it sees no fundamental problems with this request.

There being no further business, the Chairman adjourned the meeting at 8:30P.M.

DATED: 05/06/2020

REVIEWED: 05/10/2020

 Respectfully submitted,

 Rosemary M. Messina

 Planning Board Secretary

Harold T. Fabinsky, Planning Board Chairman