**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

Steven Bremer, Supervising Code Enforcement Officer

Thomas Ostrander, Assistant Town Municipal Engineer

Timothy Gallagher, Deputy Town Attorney

Rose Messina, Planning Board Secretary

The Chair 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 August and September Planning Board Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Heppner made a motion, seconded by Mr. Kaczor to accept the August 13, 2020 meeting minutes as presented.

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**.

Mr. Heppner made a motion, seconded by Mr. Liberti to accept the September 10, 2020 meeting minutes as presented.

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**.

Public Hearing:

1. 7:00 P.M. Public Hearing, P.B. File #15-19, “Van Buskirk”, Six-Lot Subdivision, +/- 37.32-acres V/L, located on the east side of Cole Road, Zoned A-1. (SBL#198.00-2-28.1) Requests Planning Board Preliminary Plat Plan Findings for a Six-Lot Subdivision. Pre-Application Findings were made on 8/8/19.

APPEARANCE: The Petitioner’s presence was not necessary this evening.

The Chairman stated that the Petitioner was told not to attend the meeting, as the project is not ready for a Public Hearing at this time.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Heppner, to **POSTPONE** the Preliminary Plat Plan Public Hearing.

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**.

The Acting Planning Coordinator advised the Board regarding a change to the Pre-Application Findings made on 8/8/19, and he recommended making an ancillary motion.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Kaczor, that based on an updated Legal Description submitted on 9/17/2020,

1. The following item is changed in the Pre-Application Findings:

Total Acres to be developed – 37.32

2. All other previously approved conditions remain in force.

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

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

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

Regular Meeting:

1. P.B. File #16-2020, Speedway, Vacant Land, Corner of Southwestern Boulevard & Angle Road, (adjacent to the Dollar General Store), located on the south west corner, Zoned B-2. (SBL#153.07-1-8.3) “Speedway” is requesting to develop a Convenience Store and Fuel Sales Facility with access driveways. Planning Board to declare this a Type 1 SEQR Action, and seek Lead Agency Status.

APPEARANCE: Petitioner presence is not necessary.

Mr. Kaczor made a **MOTION**, seconded by Mr. Bodden, to recommend that the **PLANNING BOARD** **SEEK LEAD AGENCY STATUS** for this **TYPE 1 SEQR ACTION** for a request to develop a Convenience Store and Fuel Sales Facility with access driveways in this B-2 Zone.

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

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

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

2. P.B. File #18-2020, “Williamsburg Subdivision”, V/L off of Diller/N. Buffalo Road, 13.71 +/- acres, Zoned R-2. (SBL#161.08-2-14) Paul Bliss is proposing to construct 16-Single-Family homes. Planning Board to make Pre-Application Findings.

APPEARANCE: Mr. Patrick Sheedy, Carmina ⦁ Wood ⦁ Morris LLC

Mr. Sheedy presented plans for a Subdivision, and explained that they are proposing to construct 16-single-family homes upon Vacant Land. He explained to the Board that this project will be accessed using Diller Drive, off of Milestrip Road. He noted that access may also be connected through North Buffalo Road, but there are concerns with that connection.

Mr. Baich wanted to know what the square footage is for the homes, but that information was not available.

Mr. Bodden noted that R-1 Zoning allows for single-family homes. Mr. Sheedy confirmed that these homes will be single-family homes.

The Chair also, feels the cul-de-sacs create a safety issue.

Mr. Kaczor discussed safety issues with the proposed cul-de-sacs.

Mr. Heppner stated that he has the same issues regarding safety at this site with cul-de-sacs.

Mr. Murray established that the project will have one phase that will begin with the infrastructure site work.

Mr. Liberti asked what concerns exist in using North Buffalo Road as an access point. Mr. Sheedy explained that they do not want to create a “cut-through” route with this subdivision. He also confirmed that there are no Variances needed with this project.

Several members made it known that they are not supportive of the proposed cul-de-sac design. They feel it is not safe for safety vehicles, such as fire trucks.

Mr. Orffeo reports that the Trail Task Force Committee reviewed the plan and recommends not having cul-de-sacs; however, they do recommend connectivity with North Buffalo Street. He also had a verbal conversation with the Highway Superintendent who has the same opinion. He prefers connectivity to North Buffalo Street, and no cul-de-sacs.

Mr. Liberti made a **MOTION**, seconded by Mr. Kaczor, that the following **Pre-Application Findings** are made, based on the submitted Sketch Plan received 07/10/2020 and the applicant has detailed:

• The total acreage is 13.71 +/- 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 Diller Drive & should also go through North Buffalo Road.

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 Full EAF, for this Unlisted SEQR Action.

8. The Board would like the additional access to connect to North Buffalo Road.

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

FABINSKY AYE

BAICH AYE

BODDEN AYE

HEPPNER AYE

KACZOR AYE

LIBERTI AYE

MURRAY AYE

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

There being no further business, the Chairman adjourned the meeting at 7:20 P.M.

DATED: 10/16/2020

REVIEWED: 11/09/2020

Respectfully submitted,

Rosemary M. Messina

Harold T. Fabinsky, Planning Board Chairman Planning Board Secretary