

Minutes of the **March 8, 2024** meeting of the **Conservation Board of the TOWN OF ORCHARD PARK**, 4295 S. Buffalo Street, Orchard Park, New York at 7:00 P.M. Present were the following:

MEMBERS PRESENT: Richard Schechter, Chairperson
Bernadette Clabeaux
John Deluca
Amy Grosjean
Thomas Jaeger

EXCUSED: David Ward, Alternate
Melissa Dennee

OTHERS PRESENT: Councilman Mariano
Remy C. Orffeo, Acting Planning Coordinator
John C. Bailey, Deputy Town Attorney
Rosemary Messina, Recording 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.

APPROVAL OF MINUTES: With a quorum present the November 2023, January 2024 and February 2024 meeting minutes were unanimously approved.

OLD BUSINESS: Board Discussion; Town Parks
Members would like a list of the Town Parks that exist.

NEW BUSINESS:

1. C.B. File #02-2024, 200 Sterling Parkway, located in the Sterling Park Industrial Center, on the north side of Milestrip Road, south of Redtail Drive, Zoned I-1. Community Healthcare Trust is seeking Conservation Board approval for submitted Landscape Plan. (SBL#152.19-1-23)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

Mr. Wood presented and explained the Community Healthcare Trust project to construct 32-additional-parking spaces on the east side of their medical office building. He stated that this is necessary due to a parking space shortage that currently exists for their operation. This shortage of spaces will become further increased by a future new tenant moving into the building. He explained that parking standards have changed since this medical office building was built. They are now required to have one space per 150 GSF. He also noted that the Orchard Park Zoning Code was revised to allow Front Yard Parking in an I-1 Zone. This will help alleviate the parking space shortage if they expand.

Mr. Wood further explained that a substantial amount of landscaping is proposed in the vicinity of the parking expansion to enhance the site and provide screening for the new parking area. He noted that the site is accessed by the existing driveway on Redtail Drive. He also discussed the storm water details, noting that there are no state wetlands located on the site. However, there are Federal wetlands potentially located in the SW corner. The project is not located in the 100-year floodplain.

Chairman Schechter discussed the fact that the original approval in the 1990's was granted however, it does not meet the Town's Greenspace requirements. He feels that although the Greenspace does not meet the minimum requirements, the project is a betterment.

Mr. DeLuca stated that he reviewed the submitted Landscaping Estimation form, and he feels it is appropriate for the proposed plantings.

Acting Planning Coordinator Orffeo discussed acquiring additional land from the adjacent properties.

Mr. Wood explained that they did acquire additional land in the past to add to the parking area, however, the availability to purchase additional property is no longer there.

Mr. Wood explained that a buffer will be added to soften the look of the parking lot area.

Mr. Jaeger agrees with Mr. DeLuca regarding the Landscape Estimation form.

The Board members feel it would be prejudicial to penalize the Applicant by holding them to the current standard, and feel the proposal is moving this property closer to the current standard and is a betterment. The Board discussed an easement on the property.

Dr. Clabeaux discussed green infrastructure for cooling. Mr. Wood stated that they are not required to as they are disturbing less than one acre.

Mr. Jaeger made a **MOTION**, seconded by Richard Schechter to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 2/16/2024, based on the following conditions and stipulations:


1. The Total Site Green Space is 2.1%, and does not meet the Town Requirement of 20%, Section 144-44) (c) (1). The interior Greenspace is 5.7%, and it does not meet the requirement of 10%.
2. The Landscaping Value Estimate of \$27,775 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$13,887.50)
3. Dumpsters or mechanical systems at grade level are to be screened.
4. Approval is contingent upon acceptance by the Planning Board and Town Engineering Department.
5. Any changes required by the Town Engineering Department or Planning Board which effect the Landscaping shall necessitate further review and approval by the Conservation Board.
6. Upon the completion of the landscape installation the Owner shall provide a Landscape Completion Form (available from the Planning Office or Town's website) and a statement from a NYS Licensed Landscape Architect indicating that the plant materials have been installed in accordance with the specifications of the approved Landscape Plan. Three-years after the date of Landscape Completion, the Owner shall provide a Landscape Security Release Form (available from the Planning Office, or online at Town Website) with a statement from a Licensed Landscape Architect indicating the condition of the plant materials specified in the approved Landscape Plan, verifying survival through the three-year guarantee period.

THE VOTE ON THE MOTION BEING:

SCHECHTER	AYE
CLAUBEUX	AYE
DELUCA	AYE
GROSJEAN	AYE
JAEGER	AYE

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

REMOVED FROM AGENDA *****

 2. C.B. File #03-2024, 10 Cobham Drive, located in the Quaker Centre Industrial Park, on the east side of Cobham Drive, Zoned I-1. Eaton Mission Systems is seeking Conservation Board approval for submitted Landscape Plan. This is a multi-phased project. (SBL#161.18-2-5.2, 161.18-2-2 & 1621.18-2-1)

3. C.B. File #04-2024, 4297 & 4309 Abbott Road, located on the east side of Abbott Road, south of Big Tree Road, Route 20A, across from "Danny's South" restaurant, Zoned B-2. Ellicott Development is seeking Conservation Board approval for submitted Landscape Plan for a proposed Convenience Store and Fueling Facility. (SBL#'s 172.05-1-1.1, 172.05-1-36.2)

APPEARANCE: Mr. Jeremy Wassel, Ellicott Development

Mr. Wessel distributed information for the members' review regarding the proposed project. He stated that this site has been used over the years as a parking lot during Stadium events. He also stated that two Variances were granted by the Zoning Board of Appeals for a Front Yard and Side Yard Setbacks. They are proposing a privacy fence along the south and eastern property lines. He explained the proposed project to the members for the Convenience Store, Fueling Station and Electric Charging station. The number of parking spaces were discussed and the tree selection. The dumpster will be screened.

Chairman Schechter commended the Applicant on the Plan.

Mr. Jaeger confirmed that stamped plans were submitted. He established that the trees proposed are a nice size to buffer neighbors.

Dr. Clabeaux feels it is a good plan, and confirmed that the existing trees will be cut down; however, the neighbors edging and plantings will remain.

Mr. Orffeo and Dr. Clabeaux discussed the Silver Linden tree varietal planned.

The Chair made a **MOTION**, seconded by Ms. Grosjean to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 2/20/2024, based on the following conditions and stipulations:

1. The Total Site Green Space is 25%, and meets the Town Requirement of 20%, Section 144-44) (c) (1).
2. The Landscaping Value Estimate of \$20,158 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior, to receiving a Building Permit. (\$10,079)
3. Dumpsters or mechanical systems at grade level are to be screened.
4. Approval is contingent upon acceptance by the Planning Board and Town Engineering Department.
5. Any changes required by the Town Engineering Department or Planning Board which effect the Landscaping shall necessitate further review and approval by the Conservation Board.
6. Upon the completion of the landscape installation the Owner shall provide a Landscape Completion Form (available from the Planning Office or Town’s website) and a statement from a NYS Licensed Landscape Architect indicating that the plant materials have been installed in accordance with the specifications of the approved Landscape Plan. Three-years after the date of Landscape Completion, the Owner shall provide a Landscape Security Release Form (available from the Planning Office, or online at Town Website) with a statement from a Licensed Landscape Architect indicating the condition of the plant materials specified in the approved Landscape Plan, verifying survival through the three-year guarantee period.

THE VOTE ON THE MOTION BEING:

SCHECHTER	AYE
CLAUBEUX	AYE
DELUCA	AYE
GROSJEAN	AYE
JAEGER	AYE

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

There being no further business the meeting adjourned at 7:30 P.M.

DATED: 5/30/24
REVIEWED: 6/4/204

Respectfully Submitted
Rosemary Messina
Recording Secretary

Richard Schechter, Chairman