

Minutes of the **June 4, 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  
John Deluca  
Amy Grosjean  
Thomas Jaeger

**EXCUSED:** David Ward, Alternate  
Melissa Dennee  
Bernadette Clabeaux

**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 March 8, 2024 meeting minutes were unanimously approved.

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

1. C.B. File# 1-23, Joseph DeMarco, V/L Taylor Road, Zoned I-1, (SBL# 161.00-5-30.11.). Requesting to construct a warehouse/ office building/ storage building. Applicant is seeking Conservation Board approval of a NEW submitted Landscape Plan. Conservation Board approval for a previous Landscape Plan was granted on 5/2/23. A Variance was granted on February 21<sup>st</sup> 2023 for a 30ft front setback.

**APPEARANCE:** *Doug Feyes- Carmina and Wood*

Mr. Feyes stated that this parcel was roughly 1.3 acres, and borders the railway. It is their intention to add additional trees to screen the railway.

The Chair noted that a previous Landscape Plan was submitted on March 28, 2024, and the Landscape Plan submitted tonight was supplemental, providing information requested by the Planning Department. The Chair also noted that as there were fewer than 41 parking spaces, no interior greenspace was effected. The Chair then established with Deputy Town Attorney, John Bailey that the Variance granted in 2023 was still in effect.

It was established by the Board that this Project had previously been approved under an old Landscape Plan, however, a new engineer had taken over the project and created new plans.

Mr. Deluca stated that the values represented on the Landscape Estimation form were in line with expectations. Mr. Deluca inquired about three trees which appeared to be planted outside the property line. It was established that these trees were in the right of way. Mr. Deluca inquired about the neighboring residence. Mr. Feyes explained that the Applicant, Mr. DeMarco owns the residence and plans to demolish it and divide the lot with half being added to this project’s site and the other half added to another property owned by Mr. DeMarco.

Mr. Jaeger established that the newly submitted Landscape Estimation form matched the plantings shown on the new Landscape Plan.

Ms. Grosjean inquired if the Applicant was preserving any existing trees. The Applicant stated that they were not as the Site had previously been cleared and the plant material was not of high quality and not in good condition.

Mr. Deluca made a **MOTION**, seconded by Ms. Grosjean to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 6/4/2024, based on the following conditions and stipulations:

1. The Total Site Green Space is greater than 20% and meets the Town Requirement of 20%, Section 144-44) (c) (1). Interior Greenspace is not required.
2. The Landscaping Value Estimate of \$16,175 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior to receiving a Building Permit. (\$8,087.50)
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
DELUCA	AYE
GROSJEAN	AYE
JAEGER	AYE

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

**NEW BUSINESS**

1. C.B. File # 26-23, Fox Run, 1 Fox Run, located on south east side corner of Big Tree Road (Route 20A) and California Drive, Zoned B-2, (SBL#172.00-1-1.111). Requesting to construct an expansion within their complex. Applicant is seeking Conservation Board approval of a submitted Landscape Plan.

APPEARANCE:        *Peter Baldwin – Developer*  
                              *Cole Papasergi – Marathon Engineering*  
                              *Ryan Kelly – RPK Landscape Achitecture*

Mr. Baldwin explained the project noting that currently this facility houses 60 skilled and 52 assisted living beds. They are planning on adding 63 new assisted living beds and 8 new patio unit homes. He stated that they will be adding additional buffering along California Road.

Mr. Deluca had questions about the athletic courts.

Mr. Baldwin stated that the total site green space would be 69%. The Chair discussed parking with the Applicant noting that there would be more than 41 parking spaces in some locations. Mr. Papasergi noted that the Town Code allows some leeway with regards to parking added “incrementally”. Mr. Kelly noted that while they will be removing 3,000 square feet of plant material they will be adding 15,000 square feet and will be exceeding the Town Code requirements in terms of total greenspace and plant size. He noted the quality of the existing landscaping and stated they plan to meet or exceed that level.

The Chair established that currently there are 384 parking spots and after the renovation there will be 325. The Applicant feels confident that this is adequate parking. Mr. Orffeo noted that previous projects had “banked parking” when there was a concern about the amount of parking, meaning they designated greenspace which could be converted into parking in the future if it was needed.

The Board members discussed the Town Code as it pertains to interior green space for parking that is added incrementally, noting that although there was an overall reduction in parking, some areas would end up with more parking after renovation. The Chair noted that the Town Code left it to the Board’s discretion. Mr. Orffeo stated that the Board should decide how to interoperate the Code and attempt to apply it in a consistent manner between projects.

The Chair stated that he was not opposed to the lack of interior greenspace given the amount of greenspace overall on the site. Mr. Deluca was in agreement.

Mr. Deluca stated that the values listed on the Value Estimation form were in line with expectations.

Mr. Deluca made a **MOTION**, seconded by Ms. Grosjen to **APPROVE** the Landscaping Plan prepared by a NYS licensed Landscape Architect, as submitted on 3/18/24, based on the following conditions and stipulations:

1. The Total Site Green Space is 69%, and meets the Town Requirement of 20%, Section 144-44) (c) (1). Interior greenspace is not required.
2. The Landscaping Value Estimate of \$172,000 requires a Certified Check amounting to 50% of the total shall be deposited with the Town Clerk prior, to receiving a Building Permit. (\$86,000)
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:**

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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 7:31 P.M.

DATED: 6/5/2024

REVIEWED:

Respectfully Submitted

Anna Worang-Zizzi  
Recording Secretary

Richard Schechter, Chairman