

PLANNING BOARD SEPTEMBER 12, 2024, MEETING MINUTES

MEMBERS: Harold Fabinsky, Chairman
Nicholas Baich
Alex Long
David Mellerski
Philip Murray

EXCUSED: Dr. Gregory Bennett
David Kaczor
Henry Heppner
Remy C. Orffeo, Acting Planning Coordinator
Thomas Minor, Supervising Code Enforcement Officer

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

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 July and August 2024 Planning Board Meeting minutes were unanimously waived, as each Board Member had previously received a copy.

Mr. Mellerski made a **MOTION**, seconded by Mr. Baich to **APPROVE** the Minutes of the July 11, 2024 meeting as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

Mr. Mellerski made a **MOTION**, seconded by Mr. Baich to **APPROVE** the Minutes of the August 8, 2024 meeting as presented.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

PUBLIC HEARINGS- 7:00 P.M.

1. **P.B. File #13-2024, V/L, Bruce Drive, located east of Scherff Road, on the south side of Bruce Drive. Proposed One-Lot Subdivision, 1.19 +/- Acres of Vacant Land, Zoned R-1.** Applicant is seeking Planning Board Final Plat Plan Approval. Pre-Application findings were made on 5/9/24. Preliminary Plat Plan Approval was granted on 8/08/2024. (SBL#185.03-3-9.2)

APPEARANCE: Mr. Dean Delo, Petitioner/Property Owner
Mr. Jordon Schneider, Corinthian Homes

The Chair opened the public hearing, reminding that individuals may speak in “favor” or “against” the project for a maximum of four-minutes.

IN FAVOR:

*Mr. Dean Delo
198 Burkhardt Avenue
Depew, New York 14043*

Mr. Delo stated he is in favor of the project. He is relocating here and building his home at this location.

*Ms. Michele Delo
198 Burkhardt Avenue
Depew, New York 14043*

Ms. Delo stated that she is in favor of the project.

*Mr. Jordon Schneider
2353 Bowen Road
Elma, New York 14059*

Mr. Schneider stated that he supports the project for the one-lot subdivision.

*Dr. Yvette Meka
14 Bruce Drive
Orchard Park, New York 14127*

Dr. Meka stated that she supports the request to construct a one-lot subdivision.

AGAINST:

*Ms. Diane Costa, Power of Attorney for her mother, Mrs. Dorothy McPeak
20 Wildwood Lane
Orchard Park, New York 14127*

Ms. Costa, stated that she does not support the one-lot subdivision. She further stated that when contacted, the Army Corps of Engineers had no knowledge of this project.

MR. BAICH MADE A MOTION, SECONDED BY MR. MURRAY TO CLOSE THE PUBLIC HEARING.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED TO CLOSE THE PUBLIC HEARING.

Chairman Fabinsky stated the Town desires the construction of Single-Family homes.

Mr. Mellerski established that the Applicant plans to start construction as soon as possible.

Mr. Ostrander stated that the project has received Engineering Final Plat Plan Approval.

Code Enforcement Officer, Natalie Nawrocki stated that the Building Department has no issues with this project as presented.

Mr. Ostrander, Assistant Town Municipal Engineer, stated that the Army Corps of Engineers was contacted with a correspondence during the initial review and indicated that they have no interest in this minor subdivision.

MR. BAICH MADE A MOTION, SECONDED BY MR. MELLERSKI, TO GRANT FINAL PLAT PLAN APPROVAL to this 1.19 +/- Acres V/L, 1 Lot Subdivision, Zoned R-1, based on the submitted plans received 8/29/24 with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action based on the submitted short EAF Part 1, and a Negative Declaration was made on 8/8/24.
3. Pre-Application Findings were made by the Planning Board on 5/09/24.
4. Preliminary Plat Plan Approval was granted on 8/8/24.
5. Public Hearing and Subdivision Development fees have been paid.
6. Recreation fees in accordance with Section 144-70E of the Town Code shall be paid.
7. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
8. Town Engineering Final Plat Plan Approval has been granted on 9/12/2024.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

- 2. **P.B. File #20-24, Webster Road, located on the south side of Webster Road, west of North Buffalo Street, proposed 5- Lot, 1.17 +/- acre Subdivision, Zoned R-3.** Pre-Application Findings were made on 8/8/24 and accepted, and Board granted approval for Preliminary Plat Plan on 9/12/24. (SBL#161.00-3-28.1)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

Mr. Wood presented the proposed Site Plans to construct a Five-Lot Subdivision on this 1.17 +/- Acre Lot. He told the Board that the project meets the Town Ordinances and that it will not be necessary to construct new service lines for sewer or gas. The rear yard shares the same backyard drainage of the existing homes.

The Chairman opened the public hearing.

IN FAVOR:

*Mr. Chris Wood, Carmina – Wood Designs
80 Silo City
Buffalo, New York 14203*

Mr. Wood states that he supports the project.

*Mr. Joseph Liberti, Town of Orchard Park Councilman
4295 South Buffalo Street
Orchard Park, New York 14127*

Mr. Liberti asked Mr. Wood for clarification on the size of the lots, and stated that he supports this project.

IN OPPOSITION: NO RESPONSE

MR. BAICH MADE A MOTION, SECONDED BY MR. MELLERSKI TO CLOSE THE PUBLIC HEARING.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION TO CLOSE THE PUBLIC HEARING IS PASSED.

The Chair verified there were no further questions from the Board.

Mr. Ostrander stated that the Engineering Department has no issues with this project.

Ms. Nawrocki stated that Building has no issues with the presented project.

Mr. Baich made a MOTION, seconded by Mr. Long to Grant Preliminary Plan Approval to this 1.7 +/- acres V/L, 5-lot Subdivision, Zoned R-3, based on the submitted Preliminary Plat Plan and survey received 4/30/2024 with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted Short EAF Part 1 and a Negative Declaration is hereby made on 9/12/24.
3. Pre-Application Findings were made on 8/8/24.
4. Public Hearing and Subdivision Development fees have been paid prior to Final Plat Plan Approval.
5. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on each lot per Section 120-3F of the Town Code.
7. Town Engineering Preliminary Plat Plan Approval has been granted on 9/12/24.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION TO GRANT PRELIMINARY PLAT PLAN APPROVAL IS PASSED.

Mr. Wood requested that the Planning Board waive the Final Public Hearing. There was no motion to do so.

3. **P.B. File # 23-24, 6293 Webster Road, located on the south side of Webster Road, west of North Buffalo Street, Zoned R-3.** Kaitlyn A. Schneider is requesting Planning Board Preliminary Approval for this 1-Lot subdivision. Pre-Application Findings were made on 7/11/24. Note: Two Variances were granted for front and side setbacks on 8/20/2024 by the Zoning Board of Appeals. (SBL# 161.00-3-27.1)

APPEARANCE: Ms. Kaitlyn Schneider, Applicant/Property Owner
Mr. Matthew Laufer, Attorney

Mr. Laufer presented and explained the Site Plans for a proposed One-Lot Subdivision. He told the members the property was purchased by the Applicant and she was unaware that the lot was not a legal, Buildable Lot.

On 8/20/24, the Zoning Board of Appeals granted two Setback Variances, one for the front, and one for the side setback. He further stated that this is a minor subdivision and that all necessary approvals have been granted, including a New York State DEC Permit.

The Chairman called the public hearing to order.

IN FAVOR:

*Ms. Kaitlyn Schneider
S852 Shoreham Drive
Lake View, New York 14095*

Ms. Schneider supports the one-lot subdivision.

*Mr. Matt Laufer
4535 Southwestern Boulevard – Suite 712
Hamburg, New York 14075*

Mr. Laufer stated that he supports the subdivision and he noted that they will be ready to break ground soon.

IN OPPOSITION: NO RESPONSE

MR. BAICH MADE A MOTION, SECONDED BY MR. MURRAY TO CLOSE THE PUBLIC HEARING.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION TO CLOSE THE PUBLIC HEARING IS PASSED.

MR. LONG MADE A MOTION, SECONDED BY MR. BAICH, TO GRANT PRELIMINARY PLAT PLAN APPROVAL to this One-Lot Subdivision .475 +/- Acres V/L, Zoned R-3, based on the submitted plans received 6/28/24, with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted short EAF Part 1, and a Negative Declaration was made on 9/12/24.
3. Pre-Application Findings were made by the Planning Board on 7/11/24.
4. Preliminary Plat Plan Approval was granted on 9/12/24.
5. Public Hearing and Subdivision Development fees have been paid.
6. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
7. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
8. Town Engineering Final Plat Plan Approval has been granted on 9/12/2024.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

MR. BAICH MADE A MOTION, SECONDED BY MR. LONG, TO WAIVE THE FINAL PLANNING BOARD PUBLIC HEARING.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION TO WAIVE THE FINAL PUBLIC HEARING IS PASSED.

The Chairman established that the Board had no further questions and called for a Vote for Final Approval.

MR. MELLERSKI MADE A MOTION, SECONDED BY MR. BAICH, TO Final Plat Plan Approval to this .475 +/- acres V/L, 1 lot Subdivision, Zoned R-3, based on the submitted Plans received 6/28/24 with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted short EAF Part 1, and a Negative Declaration was made on 9/12/24.
3. Pre-Application Findings were made by the Planning Board on 7/11/24.
4. Preliminary Plat Plan Approval was granted on 9/12/24.
5. Public Hearing and Subdivision Development fees have been paid.
6. Recreation fees in accordance with Section 144-70E of the Town Code have been paid.
7. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on the lot per Section 120-3F of the Town Code.
8. Town Engineering Final Plat Plan Approval has been granted on 9/12/24.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

THE VOTE ON THE MOTION BEING UNANIMOUS, THE MOTION TO GRANT FINAL PLAT PLAN APPROVAL IS PASSED.

REGULAR BUSINESS:

1. **Rezoning to DR-2, Planning Board to provide feedback to the Town Board on Rezoning approximately 584.98 Acres, to Development & Research 2 (DR-2), a new Zoning Designation.**

The Chairman stated that the Town Board is seeking their input, and a recommendation regarding the proposed DR-2 Rezoning. At the same time, they are awaiting Town Departments' responses, i.e. Engineering, Building, and Deputy Town Attorney John Bailey.

Chairman Fabinsky invited Councilman Liberti to present the Rezoning Request for the proposed DR-2 Zone.

Councilman Liberti explained the proposed rezoning request is for the area surrounding "Highmark Stadium", totaling to approximately 600-acres. There are three zones here to rezone to DR-2. He used colored maps to indicate the locations of the re-zoning.

Several key items he covered were;

- The Town Board would like to attract Commercial Businesses; specifically; Restaurants, Hotels, Farmers' Markets, Mixed Uses, and Boutiques to locate in the DR-2 Zoned areas.
- There are some exclusions that will exist in the areas that are Rezoned to DR-2.
- He also noted that the maximum height of a hotel in a proposed "Mixed Use" DR-2 Zone is limited to four-stories high.
- Mixed-Use Buildings are allowed to be three-stories in height, with a Business on the first floor, and Residences on the second and third floors allowed.
- Councilman Liberti further stated that public input will be sought at the Town Board meeting to be held on 10/2/2024 at 7:00 P.M. This is just a Preliminary Meeting. We will have a professional look at these new zones.
- It is likely that the Town of Hamburg will "partner-up" with Orchard Park, as there is Grant Money available.

Chairman Fabinsky advised that more public input is desired:

- There will be a meeting at "Wings", located on California Road, to ask questions and discuss the concerns people may have on September 19th, at 6:00 – 8:00 P.M.
- The Town has, also, scheduled a public hearing at the October 2nd Town Board meeting, at 7:00 P.M. A vote will not take place immediately.

The Board members comments were:

- Hal Fabinsky, “What is the benefit to our Town?”
- Councilman Liberti, “More money will be taken-in for taxes, and visitors will dine in Orchard Park with a larger variety of food places and shopping to choose from.”
- Nicholas Baich, “Well said.”
- Alex Long, “I have concerns and desire a consultant.”
- David Mellerski commented that, “We should review what similar cities followed”, such as Los Angeles, Philadelphia (maybe too large), Fox Borrow, Pittsburg, and others.

Chairman Fabinsky stated that the Town Board will be hosting a public hearing on October 2nd at 7:00 P.M. in the Municipal Building Court Room. Please attend for questions or concerns.

Mr. Baich made a MOTION, seconded by Mr. Long, as follows:

Regarding the Town Board of Orchard Park’s proposal to create a new Zoning Designation to be known as “Development and Research 2 (DR-2)”, I move to recommend the Town Board **Move Ahead with** the planning and establishment of a proposal for a DR-2 area based on the following:

1. The rezoning supports the Town Comprehensive Plan goal to “Encourage the expansion of business and industrial uses such as research and development”.
2. The rezoning supports the Economic Development Committee’s Strategic Plan goal to “Improve Orchard Park’s Draw as a Tourist Destination”

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

2. **P.B. File #30-24, V/L Behm Road, located on the south side of Behm Road, west of Davis Road, proposed 5-Lot, 88.90 +/- acre Subdivision, Zoned A-1.** James A. Atkinson is requesting Planning Board make Pre-Application findings. (SBL# 198.00-4-12.1)

APPEARANCE: Mr. Jim Atkinson, Petitioner

The Board established the following: the property was a Farm; that it is approximately 88.90-Acres in size; and the proposed lots conform with the Town Code.

MR. MELLERSKI MADE A MOTION, SECONDED BY MR. BAICH, TO ACCEPT THE FOLLOWING PRE-APPLICATION FINDINGS, BASED ON THE SUBMITTED SITE PLAN RECEIVED 8/02/30-24, AND THE APPLICANT HAS DETAILED:

- The total acreage is 88.90 +/- Acres

- The desired zoning classification is A-1 Zone.
- The number of possible stages of completion is one (1).
- 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 Behm Road.
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.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

MR. BAICH MADE A MOTION, SECONDED BY MR. LONG, TO SET A PRELIMINARY PLAT PLAN PUBLIC HEARING WHEN THE CHAIRMAN DEEMS IT APPROPRIATE.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

3. **P.B File #26-24, Milestrip Road, located on the north side of Milestrip Road, west of Transit Road, proposed 4-Lot, Subdivision, V/L, 4.94 +/- Acres, Zoned R-2.** Applicant is requesting Planning Board make Pre-Application findings.

APPEARANCE: No one is present.

The Director of Community Development, Anna Worang-Zizzi, discussed the submitted Site Plan with the members.

MR. LONG, MADE A MOTION, SECONDED BY MR. BAICH, THAT THE FOLLOWING PRE-APPLICATION FINDINGS are made based on the submitted Site Plan received 7/16/24, And The Applicant Has Detailed:

- The total acreage is 4.94 +/- Acres
 - The desired zoning classification is R-2 Zone.
 - The number of possible stages of completion is one (1).
 - 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 Milestrip Road.
 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.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

MR. BAICH MADE A MOTION, SECONDED BY MR. MELLERSKI, TO SET A TO SET A PRELIMINARY PLAT PLAN PUBLIC HEARING WHEN THE CHAIRMAN DEEMS IT APPROPRIATE.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

4. **P.B. FILE #27-24, 3740 North Buffalo Street, Wayland Brewery. (Previously the American Legion Post) Zoned B-3.** Applicant is seeking Planning Board approval of a proposed fence. Note: AOD Approval was granted on 8/21/2024. (SBL#161.08-3-34.1)

APPEARANCE: No one was present.

Mr. Baich stated that he is recusing himself due to a relationship with the Petitioner

MR. FABINSKY MADE A MOTION, SECONDED BY MR. MELLERSKI to contact the Applicant and reschedule their review.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

5. **P.B. File #38-23, 4000 California Road, located on the west side of California Road, across from Ellis Road, Zoned I-1.** Joe Demarco is requesting Planning Board Site Plan Approval of a 14,400-square foot warehouse. (SBL# 161.03-1-5.11)

APPEARANCE: Mr. Chris Wood, Carmina – Wood Designs

Mr. Wood presented and explained the Site Plans to construct an addition, “sister building”, to the current existing building. He noted that all County approvals have been granted, and that the building is parallel to California Road. In addition the project received Conservation Board Approval on 3/6/2024. It was noted that the driveway will not line-up directly across the street with the driveway located there.

The members’ questions established that; there will not be an influx of vehicles here as the employees do not work in the building.

Chairman Fabinsky discussed the landscaping of the site with Mr. Wood.

Mr. Mellerski established that the existing vegetation will remain preserved.

Chairman Fabinsky established that the project has town Engineering Approval.

MR. MELLERSKI MADE A MOTION, SECONDED BY MR. BAICH, TO RECOMMEND THAT THE TOWN BOARD APPROVE THE PRESENTED SITE PLAN AND AUTHORIZE A BUILDING PERMIT, to construct a 14,400 Sq. Ft. Building per the plans received on 5/8/24, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted on 12/6/24 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. No outside storage or display is permitted.
5. A Landscape Plan, received 12/22/23, was approved by the Conservation Board on 3/6/2024 with greater than 20% Green Space. In accordance with Section 144-44(C)(1)(a)(2), a Certified Check amounting to 50% of the \$7,390 Landscaping Estimate Value shall be deposited with the Town Clerk, (\$3,695).
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.

- 7. The Applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
- 8. Town Engineering approval was granted on 9/20/2024.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

- 6. **P.B. File #22-24 V/L Bussendorfer Road, located on the West Side of Bussendorfer Road, north of Armor Road, Zoned R-2.** Bill Tuyn is seeking Planning Board approval of the merger of two tax parcels to create a buildable lot. (SBL#s 172.00-2-1.31 & 172.00-2-1.41)

APPEARANCE: Mr. Bill Tuyn, Representing David Homes

Attorney John Bailey stated that he feels this is an “Administrative” matter and that the Applicant does not need to give a presentation.

MR. LONG MADE A MOTION, SECONDED BY MR. BAICH, FOR THE BUSSENDORFER ROAD ZONING MAP AMENDMENT AS FOLLOWS:

WHEREAS, I move to forgive the original division of 172.00-2-1.1 and approve the amendment of the zoning map to allow the moving the three sub-lots identified as 172.00-2-1.21, 172.00-2-1.221 and 172.00-2-1.4 fifty five (55) feet to the west. This amendment, per the Town Assessor, divides the parent parcel to its maximum number, and

WHEREAS, Nothing about these lots has changed other than their relocation and they comply with engineering requirements, Town of Orchard Park zoning requirements and any and all other Planning Department rules and/or regulations and

WHEREAS, the property owner wishes to merge 172.00-2-1.41 and 172.00.2-1.31, I move to grant approval of this merger, and

WHEREAS, the property owner wishes to merge 172.00-2-1.11 and 172.00-2-1.42, I move to grant approval of this merger, and

WHEREAS, this approval is contingent upon the petitioner paying any and all fees due the Town associated with the original division and subsequent mergers.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
LONG	AYE
BAICH	AYE
MELLERSKI	AYE
MURRAY	AYE

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

CONCEPT REVIEW:

1. **P.B. FILE #03-24, 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 to construct a multi-phased project. (sbl#161.18-2-5.2, 161.18-2-2, & 1621.18-2-1)**

APPEARANCE: Mr. Ray Murphy, RA
Mr. Kyle Miller,

Mr. Murphy explained the proposed project to the members, noting that they are in the process of merging several parcels and will request to rezone the split parcels under a separate application. The project involves the construction of a 49,500-sq.ft. addition to the existing facility, expanding the parking lot, and constructing a driveway for egress and ingress to California Road. The project is in compliance with the Town's Zoning Ordinances. Mr. Murphy feels the expansion will significantly contribute to the Community's long-term developmental goals, growth, and sustainability. They look forward to additional meetings and providing additional information to facilitate the review process. It was learned that Eaton Mission Systems is currently renting space in a separate building. Mr. Murphy stated that they would like to keep their work force/jobs, here, in Orchard Park.

The following items were included in their submission:

- Property Survey
- SEQR Long Form
- Site Plan with associated reports
- Landscape Plans

Mr. Murphy also stated that the addition will provide warehouse space, along with the capability of assembly and testing.

The members are supportive of the expansion in Orchard Park.

There being no further business, the Chairman adjourned the meeting at 8:18 P.M.

DATED: 10/04/2024
REVIEWED: 10/10/2024

Respectfully submitted,
Rosemary Messina
Planning Board Secretary

Harold Fabinsky, Planning Board Chairman