

PLANNING BOARD MARCH 12, 2026 MEETING MINUTES**MEMBERS PRESENT:**

Henry Heppner, Acting Chairman
Nicholas Baich
John Deluca
David Kaczor
Alex Long
Richard Schechter

EXCUSED:

Harold Fabinsky, Chairman
David Mellerski, Alternate
Gregory Bennett, Liaison to Town Board

OTHERS PRESENT:

Thomas Minor, Supervising Code Enforcement Officer
Tom Ostrander, Assistant Municipal Engineer
Maura Seibold, Deputy Attorney
Anna Worang-Zizzi, Director of Community Development
Kristin B. Mahoney, Recording Secretary

The Acting 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.

Mr. Kaczor made a **MOTION**, seconded by Mr. Baich, to **WAIVE THE READING** of the February 12, 2026 meeting minutes as presented, as each Board Member had previously received a copy.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

Mr. Schechter made a **MOTION**, seconded by the Acting Chair, to **APPROVE** the February 12, 2026 meeting minutes as presented.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

PUBLIC HEARING:

The Acting Chair presented the protocol for conducting a Public Hearing.

1. **PB File #15-18: "Nexgen" (Old Transit Road Subdivision), located on the west side of Transit Road, approximately 800 feet north of Milestrip Road, proposed 26-Lot Subdivision, upon 25.141+/- acres Vacant Land, Zoned R-2. (SBL #198.00-4-25).** Pre-Application Findings were made on 8/18/19. Applicant is seeking Planning Board Preliminary Plat Plan approval. Public Hearing was adjourned on 6/12/25 and 2/5/26. This is a Preliminary Plat Plan Public Hearing.

APPEARANCE: Doug Feyes, Carmina Wood Design, Project Engineer

The Acting Chair stated that the Planning Board is aware that the New York State Department of Transportation (NYSDOT) refused a curb cut for the development. He inquired if there was an anticipated timeframe to resolve that situation.

Mr. Feyes stated that they were working with NYSDOT and they were hoping they could do so in time to be on next month's agenda.

Mr. Kaczor inquired as to how far the proposed curb cut was from the intersection.

Mr. Ostrander stated it was approximately 1200 feet from the intersection of Milestrip and Old Transit.

The Acting Chair inquired if anyone wished to speak on behalf of the project.

(THREE TIMES) NO RESPONSE

The Acting Chair inquired if anyone wished to speak against the project.

(THREE TIMES) NO RESPONSE

Mr. Baich made a **MOTION**, seconded by Mr. Kaczor, to **ADJOURN the Public Hearing**.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

2. **PB File #10-25: 7894 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. (SBL #154.17-1-9.11).** William Mutka is seeking Preliminary Plat Plan Approval. Pre-Application Findings were made on 9/12/24. This is a Preliminary Plat Plan Public Hearing.

APPEARANCE: Doug Feyes, Carmina Wood Design, Project Engineer

Mr. Kaczor confirmed that Mr. Feyes was aware that the homes required sprinklers because of their distance from the road, and that there was enough room for emergency vehicles, if needed. Mr. Feyes stated he would work with Mr. Minor to ensure this.

The Acting Chair inquired if anyone wished to speak on behalf of the project.

(THREE TIMES) NO RESPONSE

The Acting Chair inquired if anyone wished to speak against the project.

*Holly Shaw
7885 Milestrip Road
Orchard Park, NY 14127*

Ms. Shaw read from a prepared statement. She lives across Milestrip Road from the proposed project. She stated that the area was once quiet and is now dangerous, with increased traffic and construction vehicles. The driveway for this development will be directly across from her bedroom so there will be headlight issues. She has concerns about adequate water pressure and whether the proposed lots meet frontage requirements.

Mr. Ostrander stated that the water pressure was studied and is around 40-50 pounds, and the lots meet Code.

The Acting Chair stated that the Engineering Department follows a very thorough process, and that there will be another hearing about this subdivision.

The Acting Chair inquired if anyone wished to speak against the project.

(TWO TIMES) NO RESPONSE

Mr. Kaczor made a **MOTION**, seconded by Mr. Schechter, to **CLOSE the Public Hearing**.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

The Acting Chair made a **MOTION**, seconded by Mr. Deluca, to **GRANT Preliminary Plat Plan Approval** to this proposed 4-lot, 4.94+/- Acres, Zoned R-2 (SBL #154.17-1-9.11) Subdivision based on the submitted Preliminary Plat Plan received 1/22/2026 with the following conditions:

1. All public notices have been filed.
2. This is an Unlisted SEQR action based on the submitted Short EAF, and a Negative Declaration is hereby made on 3/12/26.
3. Pre-Application Findings were made by the Planning Board on 9/12/2024.
4. Public Hearing and Subdivision Development fees shall be paid prior to the Final Plat Plan Hearing.
5. Recreation fees in accordance with Section 144-Attachment 1:2 of the Town Code shall be provided prior to the Final Plat Plan Public Hearing.
6. One (1) Street Tree per the Conservation Board Street Tree Plan shall be provided on each lot per Section 121-66 of the Town Code.
7. A referral under Section 239-n of New York State General Municipal Law was submitted to the Erie County Division of Planning on 2/11/2026 and comments were received on 2/12/2026. No recommendation was made.
8. A Variance was granted by the Zoning Board of Appeals on 6/17/25.
9. This Approval is conditioned on Town Engineering Approval.
10. Approval is a non-precedent-setting action regarding contiguous flag lots.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

Mr. Baich stated that he would like to see the Applicant commence a dialogue with neighbors.

REGULAR BUSINESS:

1. **P.B. File #18-20, "Williamsburg Subdivision", a proposed 16-Lot Subdivision upon 13.71+/- acres of Vacant Land, located on the west end of the existing Diller Road dead end, Zoned R-2. (SBL # 161.08-2-14).** Planning Board to adopt resolution to seek Lead Agency Status.

APPEARANCE: Doug Feyes, Carmina Wood Design, Project Engineer

Mr. Long made a **MOTION**, seconded by the Acting Chair, to **SEEK Lead Agency Status** for this UNLISTED SEQR action, with a coordinated review, for this 16-lot subdivision.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
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BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

2. **P.B. File #33-25, 6907 Cole Road, a proposed 1-Lot Subdivision upon 1.65 +/- acres of Vacant Land on a subdivided parcel, located on the east side of Cole Road, north of Ward Road, Zoned A-1. (SBL #198.00-4-16.112).** Applicant seeking Planning Board Acceptance of Pre Application Findings.

APPEARANCE: Doug Feyes, Carmina Wood Design, Project Engineer

Mr. Feyes stated that the lot is being divided into two. The larger lot will be for the existing home.

Mr. Kaczor made a **MOTION**, seconded by the Acting Chair, that the following **Pre-Application Findings are made** based on the submitted Sketch Plan received 2/2/2026 and the applicant has detailed:

- The total acreage is 1.65 +/- acres.
 - The current, and 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 Cole 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.
 7. The Applicant has completed and submitted the Short EAF, for this Unlisted SEQR Action.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

Mr. Baich made a MOTION, seconded by Mr. Long, to **SET A PUBLIC HEARING WHEN THE CHAIRMAN DEEMS IT APPROPRIATE.**

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

3. **P.B. File #05-26, 3847 Southwestern Boulevard, located on the southeast corner of Southwestern Boulevard and Abbott Road, Zoned B-2. (SBL# 161.00-5-18)**. Bills Babes is requesting an Outdoor Display Permit for an Art/Craft Show in the Prohibition Restaurant parking lot on July 19, 2026.

APPEARANCE: *Christina Newman, Applicant*
 Maygen Grimm, Applicant

This year's event will have 35 vendors, as opposed to 25 vendors in the past. There was discussion about space for additional vendors and the approximate number of attendees. Parking will be across Abbott Road from Prohibition and there are a crosswalk and light there.

Mr. Kaczor asked the Applicant to obtain a letter from the owner of the parking lot stating that parking for the event will be allowed, and to provide that letter to Mr. Minor.

Mr. Deluca made a **MOTION**, seconded by the Acting Chair, to **GRANT** an Outside Display Permit for Christina Newman to operate an exhibit & sale on July 19, 2026, at "Prohibition 2020", per the location plan received on 02/09/2026, and the following conditions and stipulations are to apply:

1. All public notices have been filed.
2. This is an unlisted SEQR Action and no SEQR determination is required.
3. There will be no additional outside lighting for the display or temporary structure.
4. There will be no banners or additional signage for this facility.
5. No more than 35 Participants, each located in a ten-foot section in front of the Building may display their goods for sale on July 19th, from 12:00 PM to 5:00 PM.
6. If any issues or complaints arise, the Building Inspector is to submit a report to the Planning Board detailing the complaint.
7. A written parking agreement verification will be submitted to the Town Building Inspector.

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

4. **P.B. File #03-26, 11 Cobham Drive, located in the Quaker Centre Industrial Park, Zoned I-1. (SBL #161.18-2-3.12)**. Applicant proposing a Change in Use from Light Industrial to Vehicle Storage Facility.

APPEARANCE: *Dave Pietras, Project Contractor*

Mr. Pietras confirmed that the project involves personal vehicle storage for classic cars, there will be no public access, all storage will be indoors, no mechanical work will be performed.

Mr. Long made a MOTION, seconded by Mr. Baich, to **RECOMMEND THE TOWN BOARD APPROVE** the requested Change in Use at 11 Cobham Drive from Light Industrial to Vehicle Storage Facility **with the following stipulations:**

1. Personal use only
2. Nothing service or rental related
3. This is a private collection of classic cars

THE VOTE ON THE MOTION BEING:

HEPPNER	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE

LONG AYE
SCHECHTER AYE

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

5. **P.B. File #06-26, Nottingham Village, 246 Stepping Stone Lane, located on the median at the entrance off California Road to Nottingham Village, Sign and Tree Replacement.** The HOA seeking to replace community sign and nearby trees in the Town right-of-way.

APPEARANCE: *Kathleen Creagan, Project Representative, HOA*
 Bill Davenport, Project Representative, HOA

Mr. Davenport explained that the prior sign had been destroyed by a vehicle. The sign was in the right-of-way. They intend to replace the electrical service to the new sign with either solar or low voltage electrical. They also desire to have the adjacent trees removed and replaced.

The Acting Chair stated that the Town Highway Department will evaluate the tree situation, and he confirmed that the new sign was generally the same size as the old sign.

There was discussion about the materials used in the new sign and the proposed landscaping around it.

Mr. Minor cautioned the Applicants regarding choosing the correct brightness for new lighting, as the Town is Dark Sky Compliant and the newer LED lights can be very bright.

Mr. Kaczor made a **MOTION**, seconded by the Acting Chair, to move to **GRANT** Planning Board approval of a permanent replacement of the identification sign at this location, based on the submitted plan received 03/01/2026 and the following conditions apply:

1. This is a Type II SEQR action and therefore, no determination of significance is required.
2. One (1) sign is approved and permitted by Section 144-37B(1).
3. The Orchard Park Town Highway Superintendent, Andrew Slotman, is aware that the identification sign is in the right-of-way and authorizes the Homeowners Association (HOA) to locate their replacement sign in the location of the existing sign, to be determined by the Building Inspector.
4. It is determined that the existing two flood lights, are to be replaced by two solar lights, or any other appropriate lighting, casting similar light as determined by the Building Inspector, and should, remain screened with shrubs, and directed toward the sign.
5. The Applicant is directed to return to the Planning Board for further guidance on trees after an inspection by the Town has been made as to the trees condition.
6. A permit fee shall be paid in accordance with Section 144-70A(1).

THE VOTE ON THE MOTION BEING:

HEPPNER AYE
BAICH AYE
DELUCA AYE
KACZOR AYE
LONG AYE
SCHECHTER AYE

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

There being no further business, the Acting Chairman adjourned the meeting at 7:51 pm.

DATED: 03/25/2026
REVIEWED: 06/02/2026
APPROVED: 06/11/2026

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary

Harold Fabinsky, Planning Board Chairman
Reviewed 05/05/26