

PLANNING BOARD SPECIAL SESSION FEBRUARY 5, 2026 MINUTES

MEMBERS PRESENT:

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

EXCUSED:

David Mellerski, Alternate

OTHERS PRESENT:

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

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.

The Chair asked Ms. Worang-Zizzi to introduce new participants. She introduced new Board Members Mr. Deluca and Mr. Schechter, who had previously served on the Conservation Board, as well as new Deputy Town Attorney Ms. Seibold, Town Board Member Dr. Bennett, and Recording Secretary Ms. Mahoney in their new roles.

PUBLIC HEARING:

The Chair presented the protocol for conducting Public Hearings.

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. This is a Preliminary Plat Plan Public Hearing.

APPEARANCE:

Peter Sorgi, Project Attorney
Anthony Pandolfe, Carmina Wood Design, Project Engineer

Mr. Sorgi stated that this project started in 2019. The Applicant was asked to do numerous soil tests in 2022. These were reviewed by a Town consultant in 2025. The consultant concluded that there was no need for deed restrictions or any other action. The Applicant is here tonight for the fourth time to answer any questions. He stated he was aware that the Planning Board cannot proceed with any decision tonight because information must be sent to Erie County and the County needs to make a recommendation regarding the project.

The Chair stated that the Environmental Consultant's report recommended that the Town seek legal counsel to determine if there were any legal issues that may impact the Town.

Ms. Worang-Zizzi noted that Board Counsel had advised that the Town is within its rights to ask for deed restrictions but there does not appear to be reason to do so at this time. She added that there currently remains one area noted in the petitioner's environmental consultant's report that still requires mitigation before conveyance to the Town.

With the petitioner now having completed the initially required testing and it having been confirmed by outside review, the Chair stated that key environmental matters appear to be diligently covered. He expressed the belief that many potential property purchasers in an area with Western New York's history of environmental contamination would want due diligence, thoroughness and reassurance that the project and Planning Board have worked to put in place to assure safety.

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

(THREE TIMES) NO RESPONSE

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

(THREE TIMES) NO RESPONSE

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

THE VOTE ON THE MOTION BEING:

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

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

2. **P.B. File #15-25: "V/L Webster Road," a proposed Single-Family 3-Lot Subdivision located on the south side of Webster Road, between Deacon Road and Juniper Lane, Zoned R-3. (SBL#161.00-3-27.3 and a 30 foot wide portion of SBL#161.00-3-27.2).** Pre-Application Findings were made on 8/14/25. Applicant is requesting Preliminary Plat Plan Approval. Public Hearing was adjourned on 12/11/25. This is a Preliminary Plat Plan Public Hearing.

APPEARANCE: Chris Wood, Carmina Wood Design, Project Engineer

Mr. Wood stated that Erie County wanted a SHPO letter before it would approve the project and the County received that letter.

There being no audience present to speak regarding the project,

Mr. Schechter made a **MOTION**, seconded by Mr. Heppner, to **CLOSE THE PUBLIC HEARING**.

THE VOTE ON THE MOTION BEING:

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

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

Mr. Wood provided updates on the project and responded to questions from the Board.

Mr. Kaczor made a **MOTION**, seconded by Mr. Baich, to **GRANT PRELIMINARY PLAT PLAN APPROVAL** to this 3-Lot Subdivision, 2.7+/- Acres V/L, Zoned R-3, based on the submitted plans received 11/20/25, 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.
3. Pre-Application Findings were made by the Planning Board on 8/14/2025.
4. Public hearing and subdivision development fees shall be paid prior to final plat plan approval.
5. Recreation fees in accordance with section 144-70e of the town code shall be 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 12/3/25.

THE VOTE ON THE MOTION BEING:

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

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

The Chair made a **MOTION**, seconded by Mr. Heppner, to **WAIVE THE FINAL PUBLIC HEARING**, with regard to P.B. File #15-25, V/L Webster Road, a proposed single-family 3-lot subdivision, Zoned R-3.

THE VOTE ON THE MOTION BEING:

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

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

Mr. Heppner made a **MOTION**, seconded by Mr. Long, to **GRANT FINAL PLAT PLAN APPROVAL** to this 2.7 +/- acres V/L, 3-lot Subdivision, Zoned R-3, based on the submitted Plans received 1/13/26 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 1/15/26.
3. Pre-Application Findings were made by the Planning Board on 8/14/25.
4. Preliminary Plat Plan Approval was granted on 2/5/26.
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 1/15/26.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
DELUCA	AYE

HEPPNER	AYE
KACZOR	AYE
LONG	AYE
SCHECHTER	AYE

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

REGULAR BUSINESS:

1. **PB File #34-25: V/L Cole Road, a proposed 1-Lot Subdivision upon 4.4 +/- acres of Vacant Land, located on the west side of Cole Road, north of 6000 Cole Road, Zoned A-1. (SBL # 198.00-2-59):**
Applicant is seeking Planning Board Acceptance of Pre-Application Findings.

APPEARANCE: *Chris Wood, Carmina Wood Design, Project Engineer*

Mr. Wood stated that the lot has existed since 1996. It was split from the bigger parcel without coming before the Planning Board. That is why we are here today.

Mr. Wood responded to questions from the Board.

The Chair made a **MOTION**, seconded by Mr. Heppner, to **MAKE THE FOLLOWING PRE-APPLICATION FINDINGS** based on the submitted Sketch Plan received 12/29/2025 and the applicant has detailed:

- The total acreage is 4.4 +/- 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:

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

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

There being no further business, the Chairman adjourned the meeting at 7:27 pm.

DATED: 02/10/2026
REVIEWED: 04/30/2026
APPROVED: 05/14/2026

Respectfully submitted,
Kristin B. Mahoney, Recording Secretary

Harold Fabinsky, Planning Board Chairman