PLANNING BOARD SEPTEMBER 10, 2026 MEETING MINUTES

MEMBERS PRESENT: Harold Fabinsky, Chairman
Nicholas Baich
John Deluca
David Kaczor
Richard Schechter

EXCUSED: Bernadette Clabeaux
Henry Heppner
David Mellerski, Alternate

OTHERS PRESENT: Gregory Bennett, Town Board Liaison
Maura Seibold, Deputy Town Attorney
Thomas Minor, Supervising Code Enforcement Officer
Tom Ostrander, Assistant Municipal Engineer
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.

REGULAR BUSINESS:

1. **P.B. File #02-26C, 3129 Orchard Park Road, located in the old Valu plaza, Project Phase 3, Zoned B-2.** Bevilacqua Development is seeking Planning Board approval of a site plan for two (2) separate outparcels and associated site improvements. (SBL #152.12-4-8 & 9).

Petitioner Appearance: *Mike Bevilacqua, Applicant*
Chris Wood, Carmina Wood Design, Project Engineer

Mr. Wood summarized the approvals the project has received from outside agencies and stated that no approvals from outside agencies were outstanding.

Mr. Baich stated that he liked the project, and the Engineering Department has stated that the cooperation from Bevilacqua is incredible.

Mr. Kaczor stated that he felt that the in and out involving the public roadway is not a problem if proper signage is present. There is concern with the stacking of cars. There are many businesses in the structures and tenants will be vocal with any problems. There will be a usage rush when the project is new but it will level off as time goes on. He feels this is an outstanding project and that Bevilacqua is good to work with.

Mr. Bevilacqua stated that in his lease contract with 7 Brew Coffee, it is stated that any additional traffic controls required will be controlled by Bevilacqua at 7 Brew's expense.

Mr. Wood stated that flag people for 7 Brew will manually direct people in the event the stacking lanes become too busy. He also pointed out that peak time at 7 Brew is in the morning and peak times at the other tenants were afternoon and evening.

Mr. Deluca feels that the key to it working is making sure no one tries to exit using the one-way entrance. He pointed out that vehicle stacking is not involving the public roadway. He feels that other tenants will be vocal if there are queuing problems. He thinks this is a very good project.

Mr. Wood stated that there will be signage at the drive-through exit and striping on the driveway.

The Chair stated that he is pleased to see a project come in to fill what could become a derelict vacant space. This is in line with the long-range Comprehensive Plan. Queuing is a difficult question and will involve the time of day and the cycle of business. He inquired if the Applicant had a traffic analysis.

Mr. Wood stated that the maximum number in the stack that the average 7 Brew has is seven in the stack and normal is four in the stack. He stated that this is based on actual field observation.

The Chair inquired as to how many stacked vehicles can be accommodated in this plan. Mr. Wood stated 16 in the stack and an additional 23 if necessary.

The Chair asked Mr. Ostrander if the plan was practicable and Mr. Ostrander stated that it was.

The Chair stated that he is hopeful that the queueing plan will work and that he is pleased to see a vacant property come back to life.

Mr. Schechter complimented the developer on the job it did on the plaza across the street. He has concerns over queuing here. He is more comfortable with the provision in the lease that 7 Brew will pay for necessary traffic management. There may be problems with cars coming out of Delta Sonic, accelerating with wet tires or ice and/or if someone tries to take a left hand turn out of the south entrance.

Mr. Minor stated that the Applicants have met every challenge, and if they handle traffic like they handle other things, it should work out.

The Chair made a **MOTION**, seconded by Mr. Kaczor, **to recommend that the Town Board APPROVE the presented Site Plan,** received 09/09/26 **and AUTHORIZE a Building Permit** for the project including two (2) separate outparcels and associated improvements.

1. All public notices have been filed.
2. This is an Unlisted Action, based on the Short EAF submitted 5/1/26, and a Negative Declaration was made 7/9/26.
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. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
6. The Applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project (meaning all completed phases) by a Certified Commercial Appraiser.
7. A GML 239n referral was submitted to the ECDEP on 5/18/26. Comments were received on 6/1/26. No recommendation was made.
8. The Site Plan dated 09/09/26 has been determined by the Building Inspector to be Compliant as presented.
9. Engineering Approval was granted on 9/10/26.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE

Mr. Schechter stated that he is abstaining from voting.

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

2. **P.B. File # 26-26. Removed from Agenda for procedural reasons.**

3. **P.B. File # 13-26, 0 Webster Road (former Saville's), Ellicott Development, located to the rear of Buffalo Medical Group, between Holland Lane and Webster Road.** Planning Board to accept Lead Agency Status. (SBL #s 161.00-3-19, 161.00-3-27.2, 161.00-3-28.2, 161.16-1-1.111, 161.16-1-3.11, 162.09-1-4). *This project will require rezoning a portion to R-1 with a Conservation Management Overlay and rezoning another portion to the future "Gateway Mixed Use" zoning designation.*

Petitioner Appearance: *Tom Fox, Ellicott Development*
Chris Wood, Carmina Wood Design, Project Engineer

Mr. Fox requested that the Planning Board make a recommendation to the Town Board to rezone the northern portion of the property to R-1 with a Conservation Management Overlay.

The Chair stated that the Planning Board would consider this in the future. He feels the Village should be involved in the discussion of the overall project. Tonight the discussion is about accepting Lead Agency Status.

Mr. Schechter made a **MOTION**, seconded by Mr. Baich, that the **Planning Board Accept Lead Agency Status** for this TYPE 1 SEQR action, with a coordinated review, for this mix of patio homes, town homes, apartments,

mixed use and commercial buildings.

This project will require rezoning a portion to R-1 with a Conservation Management Overlay and rezoning another portion to the future "Gateway Mixed Use" zoning designation.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
SCHECHTER	AYE

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

4. **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 accept Lead Agency Status.

Petitioner Appearance: *Chris Wood, Carmina Wood Design, Project Engineer*

Mr. Baich made a **MOTION**, seconded by Mr. Deluca, that the **Planning Board Accept Lead Agency Status** for this UNLISTED SEQR action, with a coordinated review, for this 16-lot subdivision.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	AYE
SCHECHTER	AYE

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

5. **P.B. File #24-26, 9274 Group Inc, 0 South Benzing Road, located on the Western side of the Northern end of South Benzing Road, Zoned DR-2. Applicant proposes to construct a flex use industrial building. ZBA Approval granted 7/21/26. Planning Board to seek Lead Agency Status (SBL#161.06-1-2).**

Petitioner Appearance: *Tom Fox, Ellicott Development*
Chris Wood, Carmina Wood Design, Project Engineer

Mr. Kaczor stated that he does not want this project to become a warehousing project. The Board will ask that the Applicant come before it in relation to the second and third proposed buildings.

The Chair added that he is concerned about warehousing and/or entities where the product is not made or sold in Orchard Park.

Mr. Fox stated that warehousing was not the intent of the project.

Mr. Kaczor made a **MOTION**, seconded by Mr. Deluca, that the **Planning Board seek Lead Agency Status** for this UNLISTED SEQR action, with a coordinated review, for this project.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
DELUCA	AYE
KACZOR	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 7:34 pm.

DATED: 09/24/26 Respectfully submitted,
REVIEWED: 10/13/26 Kristin B. Mahoney, Recording Secretary
APPROVED: 11/12/26
Harold Fabinsky, Planning Board Chairman