



MINUTES
TOWN OF AMHERST
AMHERST PLANNING BOARD MEETING
August 17, 2023
6:30 PM

The Planning Board will hold a public work session at 6:00 pm in the Amherst Municipal Building, 5583 Main Street, Williamsville, NY 14221 on the same date.

This meeting is being video recorded.

ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Robert J. Gilmour	Town of Amherst	Chair	Present	
Michael Chmiel	Town of Amherst	Board Member	Present	
Harbinder Gill	Town of Amherst	Board Member	Present	
Dal Giuliani	Town of Amherst	Board Member	Present	
Brittany Lee Penberthy	Town of Amherst	Board Member	Present	
Joseph P. Raffaele Jr.	Town of Amherst	Board Member	Absent	
Carrie H. Kahn	Town of Amherst	Board Member	Present	
Dan Howard	Town of Amherst	Planning Director	Present	
Daniel J. Ulatowski	Town of Amherst	Assistant Planning Director/ZEO	Present	
Scott Marshall	Town of Amherst	Principal Planner	Present	
Thomas J. Voigt	Town of Amherst	Assistant Planner	Present	
Gary Palumbo	Town of Amherst	Associate Planner	Present	
Amy Carrato	Town of Amherst	Community Development Assistant	Present	
Jacqueline Berger	Town of Amherst	Councilmember	Present	
Samuel Alba	Town of Amherst	Sr. Deputy Town Attorney	Present	
Nora B. Robshaw	Town of Amherst	Deputy Town Attorney	Present	

PUBLIC HEARINGS**SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS**

1. PROPOSED TIER III SOLAR ENERGY SYSTEM, SP-2023-01
Property located at 800 & 850 New Road
Sol Source Power LLC, Petitioner

Proposal to construct a Tier III Solar Energy System (5Mw of power) that includes an access road, the solar array equipment and associated pads interior to the site. The array will be located on 27.52 ± acres of the total 51.98 ± acres of land. A fence will surround the entire project site and vegetative screening will be used along all property lines to conceal the array.

Marc Kenward, Erdman Anthony Consulting, represented the petitioner, explained the proposal and was available to answer questions from the Board. Leigh MacIntyre, Sol Source power was also present.

In response to the Board's questions, Ms. MacIntyre stated there are no known health concerns, the voltage lines are low voltage, the solar panels are solid, no liquid or chemicals are used, the landscape being proposed meets town code, healthy vegetation and pollinators will be used, trees are proposed at the front of the property, the trees that will be removed are dead or dying, the stumps will remain on trees in the wetland area, and metal is in the framework not in the solar panels.

Sally Blazynski, 905 New Road, and Jim Cornwell, 780 New Road, spoke in opposition of the proposal.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Chmiel moved to approve the Negative Declaration. The motion was seconded by Ms. Kahn and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

Following the approval of the Negative Declaration, Mr. Chmiel moved to approve the request based on the resolution. The motion was seconded by Ms. Kahn and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Chmiel, Board Member
SECONDER:	Carrie H. Kahn, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

2. PROPOSED AMHERST COMMERCE CENTER - COSTCO WITH FUELING STATION, SP-2023-03 AND UNIFIED DEVELOPMENT WITH SP-1983-42J, SP-1996-14D AND SP-2023-07
Property located at 4200, 4224, 4228-4230 & 4252-4258 Ridge Lea Road (portions)
Benderson Development Co. LLC, Petitioner

All sites within the Amherst Commerce Center are requested to be approved as Unified Developments which establishes the Agreements/ Easements for the shared use of common facilities (e.g. parking, site lighting) and ingress and egress over the sites for vehicles and pedestrians.

SP-2023-07 (Parcel #1 Dick's House of Sport):**Properties located at portions of 4200, 4224 & 4228-4230 Ridge Lea Rd.**

A proposed 120,000 sq. ft. Dick's House of Sport retail building and its associated 18,513 sq. ft. Field Area along with parking for 349 vehicles is located on an 8.20± acre parcel in the northwest portion of the overall project site. Three (3) vehicular access drives to the site from Bailey Avenue are shown to this parcel, one to the north of the proposed building which is intended primarily for deliveries to Dick's and Costco, one right-in-right-out driveway that aligns with the drive aisle in front of the store and a signalized common vehicular entry along the south side of the parcel south of the Dick's parking field.

SP-2023-03 (Parcel #2 Costco):**Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.**

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):**Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.**

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):**Properties located at 4252-4258 (portion) Ridge Lea Rd.**

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

June 15, 2023

James Boglioli, Esq., Benderson Development, represented the petitioner, explained the proposals and was available to answer questions from the Board.

In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

August 17, 2023

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In response to the Board's questions, Mr. Boglioli stated there will be pedestrian access and he is working with the NFTA to provide public transportation throughout this site and the development across the street.

Lisa Thagard, North District candidate, spoke regarding the need for supermarkets and Costco within the City of Buffalo.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the Negative Declaration. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the Modification per 203-7-2-3 A (3) (c) of Town Code. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the approval of the Modification per 203-7-2-3 A (3) (c) of Town Code, Mr. Giuliani moved to approve the Modification per 203-7-2-3 A (3) (b) of Town Code. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the approval of the Modification per 203-7-2-3 A (3) (b) of Town Code, Mr. Giuliani moved to approve the Modification per 203-7-2-3 A (3) (e) of Town Code. The motion failed due to lack of a second. Ms. Penberthy moved to deny the request. The motion was seconded by Mr. Gill and carried. Ayes 4, Noes 1 (Giuliani), Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the approval of the Modification per 203-7-2-3 A (3) (e) of Town Code, Mr. Giuliani moved to adjourn the sidewalk waiver. The motion was seconded by Ms. Penberthy and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the adjournment of the sidewalk waiver, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Mr. Gill and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

RESULT:	APPROVED [5 TO 0]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Gilmour, Gill, Giuliani, Penberthy, Kahn
ABSTAIN:	Chmiel
ABSENT:	Raffaele Jr.

3. PROPOSED AMHERST COMMERCE CENTER - DICKS STORE, SP-2023-07 AND UNIFIED DEVELOPMENT WITH SP-2023-03, SP-1983-42J AND SP-1996-14D

Property located at 4200, 4224 & 4228-4230 Ridge Lea Road (portions)
Benderson Development Co. LLC, Petitioner

All sites within the Amherst Commerce Center are requested to be approved as Unified Developments which establishes the Agreements/ Easements for the shared use of common facilities (e.g. parking, site lighting) and ingress and egress over the sites for vehicles and pedestrians.

SP-2023-07 (Parcel #1 Dick's House of Sport):

Properties located at portions of 4200, 4224 & 4228-4230 Ridge Lea Rd.

A proposed 120,000 sq. ft. Dick's House of Sport retail building and its associated 18,513 sq. ft. Field Area along with parking for 349 vehicles is located on an 8.20± acre parcel in the northwest portion of the overall project site. Three (3) vehicular access drives to the site from Bailey Avenue are shown to this parcel, one to the north of the proposed building which is intended primarily for deliveries to Dick's and Costco, one right-in-right-out driveway that aligns with the drive aisle in front of the store and a signalized common vehicular entry along the south side of the parcel south of the Dick's parking field.

SP-2023-03 (Parcel #2 Costco):

Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):

Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):

Properties located at 4252-4258 (portion) Ridge Lea Rd.

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

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In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

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Lisa Thagard, North District candidate, spoke regarding the need for supermarkets and Costco within the City of Buffalo.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the Negative Declaration. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the approval of the Negative Declaration, Mr. Giuliani moved to approve the Modification per 203-7-2-3 A (3) (c) of Town Code. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

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Following the approval of the Modification per 203-7-2-3 A (3) (e) of Town Code, Mr. Giuliani moved to adjourn the sidewalk waiver. The motion was seconded by Ms. Penberthy and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

Following the adjournment of the sidewalk waiver, Mr. Giuliani moved to approve the request based on the resolution. The motion was seconded by Ms. Penberthy and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

RESULT:	APPROVED [5 TO 0]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Brittany Lee Penberthy, Board Member
AYES:	Gilmour, Gill, Giuliani, Penberthy, Kahn
ABSTAIN:	Chmiel
ABSENT:	Raffaele Jr.

4. PROPOSED AMHERST COMMERCE CENTER - WAREHOUSING FACILITY, SP-1996-14D AND UNIFIED DEVELOPMENT WITH SP-2023-03, SP-1983-42J AND SP-2023-07
Property located at 4252-4258 Ridge Lea Road (portion)
Benderson Development Co. LLC, Petitioner

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SP-2023-03 (Parcel #2 Costco):

Properties located at portions of 4224 & 4252-4258 and no address on Ridge Lea Rd.

A 167,720 sq. ft. Costco retail building and its associated vehicle fueling facility and 774 parking spaces are located on a 17.16± acre parcel that extends north from Bailey Avenue to the Youngmann Expressway in the central portion of the development. The member warehouse is located on the eastern portion of the site with the fueling facility in the northwest corner of the site south of the shared vehicular access to Bailey Avenue with that of the proposed Dick's store. The parcel is bisected in a north south direction by an internal vehicular access drive.

SP-1983-42_J (Parcel #3 Key Bank):**Properties located at 4224 (portion) Ridge Lea Rd., 256, 270, 280 & 306 Meyer Rd.**

The proposed 16.63± acre parcel encompasses the existing 92,150 sq. ft. Key Bank building and 534 parking spaces and will include a new storm water management facility, a new through road that connects North Bailey Avenue to Meyer Road and 83 new parking spaces connected to the proposed through road with the reservation for an additional parking area in the future. Further, there is a vacant grass area east of the existing building that will stay undeveloped with the potential to be built upon at some time in the future.

SP-1996-14_D (Parcel #4 Delta Sonic):**Properties located at 4252-4258 (portion) Ridge Lea Rd.**

A proposed warehouse facility for Delta Sonic consisting of two existing 21,600 sq. ft. buildings and a new 108,000 sq. ft. warehouse building (151,200 s.f. total) on a 13.75± acre parcel located in the south east portion of the overall project site. Surface parking is provided for 162 spaces to be constructed and an additional 136 spaces land banked for future construction. The site will not have direct access to any public street. Internal circulation take access to North Bailey Avenue and Meyer Road through parcel #3 (Key Bank) and to North Bailey Avenue through Parcel #2 (Costco) and Parcel #1 (Dicks). The site contains two stormwater management areas along the boundary of the Youngmann Expressway I-290. Also located on Parcel #4 is an existing 7,700± sq. ft. cell tower site located in the southeast corner of the site.

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In response to the Board's questions, Mr. Boglioli stated there will be complete pedestrian connectivity between this site and Consumer's Square, they are working with the NFTA to increase bus routes through all sites, and the Dick's Sporting Goods Field House area is an outdoor area to try sporting equipment before purchasing it.

Geri DiCosmo, 378 Meyer Road, and Todd Helming, 246 Meyer Road, spoke in opposition to the proposals.

No further comments were heard on this proposal.

Following discussion, Ms. Penberthy moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 7, Noes 0.

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In response to the Board's questions, Mr. Boglioli stated there will be pedestrian access and he is working with the NFTA to provide public transportation throughout this site and the development across the street.

Lisa Thagard, North District candidate, spoke regarding the need for supermarkets and Costco within the City of Buffalo.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to approve the Negative Declaration. The motion was seconded by Ms. Kahn and carried. Ayes 5, Noes 0, Absent 1 (Raffaele), Recused 1 (Chmiel).

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RESULT:	APPROVED [5 TO 0]
AYES:	Gilmour, Gill, Giuliani, Penberthy, Kahn
ABSTAIN:	Chmiel
ABSENT:	Raffaele Jr.

5. PROPOSED AMHERST COMMERCE CENTER - OFFICE BUILDING, SP-1983-42J AND UNIFIED DEVELOPMENT WITH SP-2023-03, SP-1996-14D AND SP-2023-07
Property located at portion of 4224 Ridge Lea Road (portion) and 256, 270, 280 & 306 Meyer Road
Benderson Development Co. LLC, Petitioner

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RESULT:	APPROVED [5 TO 0]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Brittany Lee Penberthy, Board Member
AYES:	Gilmour, Gill, Giuliani, Penberthy, Kahn
ABSTAIN:	Chmiel
ABSENT:	Raffaele Jr.

6. PROPOSED APARTMENT/TOWNHOUSE DEVELOPMENT, SP-2023-05
Property located at 480 Dodge Road (NCD)
The Green Organization, Petitioner

A proposed 116-unit multifamily residential development consisting of two 4-story apartment buildings of 48 units each located along the north property line, five 2-story

townhome buildings of 4 units each located along the Dodge Road frontage, and 241 parking spaces (including 207 surface spaces and 34 garage spaces), stormwater management facilities, landscaping and other ancillary site improvements.

Sean Hopkins, Esq., Hopkins Sorgi & McCarthy, represented the petitioner, explained the proposal and was available to answer questions from the Board. Pat Sheedy, Carmina Wood Design, and Dave Sutton, Sutton Architecture, were also present.

In response to the Board's questions, Mr. Hopkins stated there are no other 4-story buildings in this area and the project site permits the building size proposed.

Tammy Koithan, 441 Dodge Road; Brenda Burow, 425 Dodge Road; Siobhan Brown, 415 Dodge Road; David Burow, 425 Dodge Road; Charles Haim, 451 Dodge Road; Tom Schlau, 493 Dodge Road; and Doug Koithan, 441 Dodge Road spoke in opposition of the proposal.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to adjourn the request. The motion was seconded by Mr. Gill and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	ADJOURNED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Harbinder Gill, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

7. PROPOSED DANA HEIGHTS PLAYGROUND, SP-1998-27A

Property located at 79 Shetland Drive
Town of Amherst, Petitioner

The proposed project is a new inclusive playground & play surface at the Town facility known as Dana Heights Park. The site work also includes a walkway that connects to the public sidewalk as well as a split rail fence along Shetland Drive.

Leanne Voit, Wendel Companies, represented the petitioner, explained the proposal and was available to answer questions from the Board.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Ms. Penberthy moved to approve the Negative Declaration. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

Following the approval of the Negative Declaration, Ms. Penberthy moved to approve the request based on the resolution. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brittany Lee Penberthy, Board Member
SECONDER:	Michael Chmiel, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

8. SEQR HEARING FOR A PROPOSED 26-LOT SUBDIVISION "ASHLEY GREEN", SUB-2022-02PP
Property located at 10060 Transit Road (portion)
DJC Land Inc., Petitioner

Subdivision of 15.02± acres into 26 lots for detached single-family homes. A proposed 60 foot public right-of-way is shown meandering through the site connecting Smith Road to Transit Road in the future. A 52 foot right-of-way from the proposed 60 foot right-of-way is shown connecting to the current terminus of Ruby Lane. Proposed lots range in size from 11,254 sq. ft. to 43,771 sq. ft. and have frontages that range in size from 75 ft. to 205 ft. A mail center is proposed to be located on private property on lots no. 20 and no. 21.

Ken Zollitsch, Greenman-Pedersen Inc., represented the petitioner, explained the proposal and was available to answer questions from the Board.

Chris Bogden, Ranson Oaks community spokesperson; Fran Daumen, 418 Glen Oak Drive; James Sterman, 30 Odessa Court; Sue Kobus, 1079 Smith Road; Keith Bailey, 34 Topaz Court; Steve Massaro, 1116 Smith Road; and Mary Bartlett, 520 Glen Oak Drive spoke in opposition to the proposal.

No further comments were heard on this proposal. The hearing was closed.

Following discussion, Mr. Giuliani moved to adjourn the request. The motion was seconded by Mr. Chmiel and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	ADJOURNED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Michael Chmiel, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

9. REQUEST TO AMEND THE BICENTENNIAL COMPREHENSIVE PLAN FOR 5.09± ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL TO COMMERCIAL/MIXED USE, BCPA-2023-01
Property located at 1635 & 1639-1641 North French Road
TLH Property Management Inc., Petitioner

The stated purpose of the request is to remove the existing single family residence and improve 1635 North French with a 2-story mixed use building comprising of 9,640 s.f. of retail space and residential uses in a portion of the second floor. The petitioner also seeks to interconnect 1635 North French with 1639-1641 North French and continue the existing commercial usage of that property.

Ari Goldberg, Barclay Damon LLP, represented the petitioner, explained the proposal and was available to answer questions from the Board. Torey & TJ Hirsch were also present.

In response to the Board's questions, Mr. Goldberg stated if the Town Board approves this amendment the petitioner will continue with a rezoning request and there is one unit in the concept plan.

Following discussion, Mr. Chmiel moved to approved the request based on the resolution. The motion was seconded by Mr. Giuliani and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Chmiel, Board Member
SECONDER:	Dal Giuliani, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

OTHER COMMUNICATIONS

None

All public hearings are completed and closed at the termination of public discussion for each agenda item unless otherwise specified by the Chair.

UNFINISHED BUSINESS

Note: All public hearings have been completed. There will be no public hearings for items listed under this section.

SITE PLANS & RELIEF FROM CONDITIONS OF SITE PLANS

10. REQUEST FOR EXTENSION OF SITE PLAN APPROVAL, SP-2016-04B
Property located at 6569 Main Street
Gurdwara Cultural Center, Petitioner

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dal Giuliani, Board Member
SECONDER:	Brittany Lee Penberthy, Board Member
AYES:	Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT:	Raffaele Jr.

11. REQUEST FOR EXTENSION OF SITE PLAN APPROVAL, SP-2016-04C
Property located at 6569 Main Street
Gurdwara Cultural Center, Petitioner

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Michael Chmiel, Board Member
SECONDER: Brittany Lee Penberthy, Board Member
AYES: Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT: Raffaele Jr.

SUBDIVISIONS & RELIEF FROM CONDITIONS OF SUBDIVISIONS

12. **EXTENSION OF PRELIMINARY PLAT APPROVAL FOR A PROPOSED 19-LOT SUBDIVISION**
 "REGENCY COMMONS", SUB-2021-01PP1
 Property located at 166 Klein Road
 Regency Builders LLC, Petitioner

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Michael Chmiel, Board Member
SECONDER: Brittany Lee Penberthy, Board Member
AYES: Gilmour, Chmiel, Gill, Giuliani, Penberthy, Kahn
ABSENT: Raffaele Jr.

REZONING & RELIEF FROM CONDITIONS OF REZONINGS

None

MISCELLANEOUS

None

OTHER COMMUNICATIONS

None

DIRECTOR'S REPORT

MINUTES APPROVAL

June 15, 2023

Ms. Penberthy moved to approve the minutes. The motion was seconded by Ms. Kahn and carried. Ayes 6, Noes 0, Absent 1 (Raffaele).

ADJOURNMENT

The Planning Board meeting of August 17, 2023 was adjourned at 9:08 pm.