

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 19<sup>th</sup> day of March, 2014 at 7:00 PM, the meeting was called to order by Supervisor Keem and there were:

<b>PRESENT AT ROLL CALL:</b>	Patrick J. Keem	Supervisor	
	Eugene Majchrzak	Councilmember	
	Michael Sherry	Councilmember	
	John C. Bailey	Town Attorney	
	Carol Hutton	Town Clerk	
	Frederick Piasecki, Jr.	Highway Superintendent	
	Wayne Bieler	Town Engineer	
	Mark Pacholec	Chief of Police	
	Absent	Andrew Geist	Building Inspector

**Supervisor Keem read into the record the following:** “If anyone appearing before the Town 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.”

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**RESOLVED**, that the Regular Town Board Meeting Minutes held on March 5, 2014, and Executive Session Meeting minutes of the Town Board Meeting held on February 26, 2014, and March 5, 2014 are hereby approved and be it further

**RESOLVED**, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

**The resolution was unanimously adopted.**

**Public Hearing**

At 7:00 PM (local time) the Supervisor called for the Public Hearing to rezone from I-1 (Industrial), to B-1 (Commercial), 6.56 ± acres of vacant land on Amanda Lane, located on the northeast side of the intersection of Amanda Lane and Amelia Drive in Quaker Crossing Plaza to develop commercial retail buildings (SBL#’s 152.18-1-1, 152.13-3-19.2, & 152.13-3-23.11) as requested by QC Properties LLC, Falcon Properties & Quaker Crossing LLC.

Affidavits and Publication of the Legal Notice of the Public Hearing were presented, read aloud and filed with the Town Board by the Town Clerk.

Supervisor Keem asked if there was anyone who would like to speak for or against. The following came forward to speak against this action with the following concerns:

Todd Cislo – Mr. Cislo said he is not opposed to new business, but there are already concerns at the Quaker Crossing Plaza with traffic, lighting and runoff. In addition, behind the proposed new structures, there is a large pile of dirt & manure that is already affecting the properties around it. Mr. Cislo wants the Town Board to thoroughly look at these issues before they approve the project.

Kathryn Gorkiewicz – Ms. Gorkiewicz noted that several years ago the Town Board stated the Town needs more industrial property, but now the Town Board is taking property zoned Industrial, and rezoning it to Commercial. She questioned this decision.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Public Hearing in the matter of rezoning vacant land on Amanda Lane in Quaker Crossing is hereby closed at 7:12PM (local time).

**The resolution was unanimously adopted.**

**New Business #1 Approve 2014 Stable Permits**

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby approve the following Stable Permits for 2014: Hammersmith Farms, 6243 Benning Road, Sandybrook Farm, & Stable, 6265 Powers Road and Ridgewood Farm, 7613 Behm Rd, as recommended by the Building Inspector.

**The resolution was unanimously adopted.**

**New Business #2 Appointment to Historic Preservation Board**

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

**RESOLVED**, that the Town Board does hereby appoint Wayne Bieler and Henry Heppner to fill vacancies for the Historic Preservation Board which will expire 12/31/14.

**The resolution was unanimously adopted.**

**New Business #3 Appointment to the 2014 Winter/Spring Part Time Seasonal Recreation Staff**

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the following Recreation Department appointments, as recommended by the Recreation Director. These appointments are dependent upon the applicants providing the required certifications.

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position (Title)</u>
Allie Metzger	7875 Milestrip Road	\$8.50	PT1-E (Att)
Matthew Stromecki	7287 Boston State Road	\$8.50	PT1-E (Att)

**The resolution was unanimously adopted.**

**New Business #4 & #5 Forest Avenue Bridge Replacement Project**

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**RESOLVED**, that the Town Board does hereby table these two agenda items regarding the Forest Avenue Bridge Replacement project, due to the fact that some paperwork needs to be completed.

**The resolution was unanimously adopted.**

**New Business #6 Authorize Payment of Hydrant Fees**

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**WHEREAS**, as requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pay the hydrant fee amounts upon dedication of the various phases of the Subdivision per the lease management agreement between the Town of Orchard Park and ECWA, and

**WHEREAS**, this is to be done by Town Board Resolution, and

**WHEREAS**, the total construction of the above referenced subdivision will result in four-hydrants in service.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the payment of ten (10) hydrant fee amounts upon dedication of the Birdsong Subdivision part 3B and associated hydrants per the lease management between the Town of Orchard Park and ECWA, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #7 Authorize Release of Escrow PIP 2012-03 Riley Meadows Subdivision**

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR KEEM, TO WIT:

**WHEREAS**, on November 13, 2013, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that the escrow amount of \$11,000 be held until the installation of light bases, pole and fixtures, and all associated conduits, wiring, fuses and 'special' pull boxes, and UL Inspection Certification was completed and all required documents submitted, and

**WHEREAS**, the Contractor has since completed the above referenced work. The work was inspected by the Engineering Department and found to be in compliance with Town specifications and the UL Inspection Certification was completed and submitted.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release to Oak Orchard Development, LLC, 4727 Camp Road, Hamburg, New York 14075, the \$11,000 in escrow for light bases and poles and fixtures, and all associated conduits, wiring, fuses and 'special' pull boxes, and UL Inspection Certification in the Riley Meadows Subdivision. (PIP #2012-03), as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

**New Business #8 (not on agenda) Schedule a Public Hearing for Special Exception Use**

9) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**RESOLVED**, that the Town Board does hereby schedule a Public Hearing for April 16, 2014, at 7:05 pm for a Special Exception Use Permit at 4760 Freeman Road for a Private Club to develop and operate a soccer training site at the former "Quaker Stables", as recommended by the Planning Board, and be it further

**RESOLVED**, that the Town Clerk shall publish due notice thereof.

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Dave Schuster – Mr. Schuster said that there have been many comments in the paper by Town & Village officials about the Governor's attempt to force consolidation of services and perhaps eliminate the Village. Mr. Schuster had many ideas on the subject and thought the Town should be divided up into four (4) wards/districts; the northeast, the northwest, the south, and the village, each with its own representative on the board. There would be a five member board and the Village would be dissolved, but it would have representation.

Kathy Gorkiewicz – Ms. Gorkiewicz thanked the Town Board for posting the cancellation of the Town Board work session on line last week during the blizzard. She also thought Mr. Schuster's idea of four wards in the Town had a lot of merit.

**ELECTED OFFICIALS & DEPARTMENT HEADS**

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

**RESOLVED**, that the Town Board does hereby authorize the following budget transfers:

Emergency Management Fund  
From: A.8760.400      \$720.00  
To:     A.7020 420      \$720.00

**The resolution was unanimously adopted.**

Supervisor Keem – stated that he volunteered for Meals on Wheels today and was amazed at how many people benefit from this operation and the joy that it gives to the recipients. He will continue to volunteer for the Meals on Wheels program.

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER SHERRY, TO WIT:

**WHEREAS**, following due and timely notice, a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the Town of Orchard Park was conducted at the Municipal Center, which amendment provides as follows:

To rezone 6.56 ± acres of property from I-1 to B-1, Vacant land Amanda Lane , located on the northeast side of the intersection of Amanda Lane and Amelia Drive located in Quaker Crossing Plaza (SBL#'s 152.18-1-1, 152.13-3-19.2, & 152.13-3-23.11) from I-1 (Industrial), to B-1 (Commercial), as requested by QC Properties LLC, Falcon Properties & Quaker Crossing LLC.

**WHEREAS**, the Public Hearing was held on the 19<sup>th</sup> day of March 2014, at which time all interested parties were given an opportunity to be heard,

**WHEREAS**, no recommendation from the Erie County Department of Planning, pursuant to §239-m of the General Municipal law was received and filed by the Town Board, and

**WHEREAS**, approval from the Planning Board was received and filed with the Town Board.

**NOW, THEREFORE, be it**

**RESOLVED and ORDAINED**, that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from I-1 (Industrial) to B-1 (Commercial) 6.56 ± acres of Vacant land, Amanda Lane, located on the northeast side of the intersection of Amanda Lane and Amelia Drive” located in Quaker Crossing Plaza as follows:

*All that Tract or parcel of land situate in the town of Orchard park, County of Erie and State of New York, being part of Lot 28, Township 10 and Range 7 of the Buffalo Creek Reservation, being more particularly described as follows:*

*Beginning at the intersection of the north line of Amanda Lane extended easterly and the centerline of Benzing Road (being the east line of Lot 28), said point of beginning being a distance of 1032.0 feet north of the southeast corner of Lot 28; Thence north along the centerline of Benzing Road and the east line of Lot 28, a distance of 112.00 feet; Thence west parallel with the south line of Lot 28, at an interior angle of 90°24'12", a distance of 387.75 feet.; Thence north parallel with the east line of Lot 28, at an exterior angle of 90°24'12", a distance of 250.00 feet; Thence west parallel with the south line of Lot 28, at an interior angle of 90°24'12", a distance of 237.00 feet; Thence north parallel with the east line of Lot 28, at an exterior angle of 90°24'12", a distance of 345.02 feet to the south line of Summit Avenue (unimproved); Thence west along the south line of Summit Avenue, at an interior angle of 90°26'27", a distance of 221.68 feet to the west line of lands conveyed to Niagara Mohawk Power Corporation and recorded in the Erie County Clerk's Office in Liber 1665 of Deeds at page 322; Thence south along said lands of Niagara Mohawk Power Corporation at an interior angle of 89°31'35", a distance of 705.60 feet record and 707.17 feet measured to the north line of Amanda Lane; Thence east along the north line of Amanda Lane and parallel with the south line of Lot 28, at an interior angle of 90°26'10", a distance of 846.02 feet to the point of beginning, containing 6.56 acres more or less.*

**RESOLVED**, that this approval is granted with the following stipulations as recommended by the Planning Board:

- This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two, and the Town Board does declare a Negative SEQR Declaration.
- Acreage fees shall be paid in accordance with §144 Attachment (C) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.
- This rezoning shall revert to its original zoning classification if a Building Permit is not issued within 24 months, per §144-67 of the Town Code.

**RESOLVED**, this Ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

**RESOLVED**, that the Town Clerk publish and post a copy of said amendment in accordance with §264 and §265 of Town Law.

**The resolution was unanimously adopted.**

Councilmember Sherry discussed Governor Cuomo’s budget proposal and why he is opposed to it. The Town and Village officials had a meeting regarding the Governor’s proposal and are not opposed to a tax freeze, but are opposed to the tax freeze as set forth by Governor Cuomo. In the past six years, the Town has held its increase in expenditures to provide quality services to the community to 1.1%. The Governor wants to pressure communities to combine services to save money by reducing aid if they don’t comply.

Chief of Police Mark Pacholec said that during the last blizzard, the schools closed early and the citizens followed the guidelines, which significantly helped the police department.

**12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby authorize the approval of all entries on Warrant #6 following auditing by members of the Town Board and in the funds indicated:

<b>General Fund</b>	\$21,154.74
<b>Public Safety Fund</b>	\$15,806.66
<b>Part Town Fund</b>	\$903.26
<b>Risk Retention</b>	0.00
<b>Cemetery Fund</b>	0.00
<b>Highway Fund</b>	\$58,669.89
<b>Special Districts</b>	\$48,700.16
<b>Trust &amp; Agency</b>	\$1,767,611.34
<b>Capital Fund</b>	\$109,899.81

**The resolution was unanimously adopted.**

There being no further business, on a motion by Supervisor Keem, seconded by Councilmember Majchrzak, the meeting adjourned at 7:33 pm (local time).

**Respectfully Submitted,**



**Carol R. Hutton  
Town Clerk**