

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 15<sup>th</sup> day of March 2017 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	Councilman
	Michael Sherry	Councilman
	John C. Bailey	Town Attorney
	Remy Orffeo	Town Clerk
	Wayne Bieler	Town Engineer
	Andrew Geist	Building Inspector
	Frederick Piasecki, Jr.	Highway Superintendent
	Mark Pacholec	Chief of Police

**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 SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Regular Town Board Meeting Minutes held on March 1, 2017, Executive Sessions: February 22, 2017, March 1 & 8, 2017 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.**

**Old Business # 1 Set Public Hearing for Conservation Easement for V/L Land on Cole Road**

**2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN SHERRY, TO WIT:**

**RESOLVED**, that the Town Board does hereby set a Public Hearing on April 19, 2017, in the matter of an application for a Conservation Easement by Ms. Marlene Guerra for 6.0 acres of vacant land adjacent to 6646 Cole Road. Referred to Conservation Board on 1/18/17.

**The resolution was unanimously adopted.**

**Old Business # 2 Grant Building Permit to Colton RV 3433 Southwestern Blvd.**

**3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN SHERRY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MAJCHRZAK, TO WIT:**

**RESOLVED**, that the Town Board does hereby approve the Site Plan with regard to Colton RV, 3433 Southwestern Boulevard, Zoned B-2, and grant a building permit, to construct additional parking and display area per the plan received on 2/28/17, based on the following conditions and stipulations:

- This is an Unlisted SEQR Action, based on the Long EAF Parts 1 and 2, submitted on 2/28/17, and a Negative Declaration is made.

- 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.
- The Conservation Board approved the Landscape Plan submitted on 2/28/17 with a Green Space Total of 31.78% (and 12.33% Total Interior Green Space). A certified check in the amount of \$17,850.00 is to be deposited with the Town Clerk prior to receiving a Building Permit.
- Outside Display and storage is limited to that detailed on the approved Site Plan.
- Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- Town Engineering Approval was granted on 3/8/17.
- The Town Board granted a "Special Exception Use Permit" on 1/18/17, for Franchised Dealer Use in this B-2 District.

**The resolution was unanimously adopted.**

**Old Business #3 Reinstate the Ad Hoc Comprehensive Planning Committee**

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

**WHEREAS**, on September 19, 2016 the Town of Orchard Park approved the updated version of its comprehensive plan, and

**WHEREAS**, the Town of Orchard Park has from time to time created an ad hoc committee to review the implementation of the Town of Orchard Park Comprehensive Plan, and

**WHEREAS**, since the promulgation of the revised comprehensive plan, Orchard Park has continued to grow and change as a vibrant suburban community, and

**WHEREAS**, at the present time no ad hoc committee is in place, and

**WHEREAS**, the Town Board has determined that the need has arisen again for reinstating the Comprehensive Plan Implementation Committee.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of Orchard Park does hereby reinstate the Comprehensive Plan Implementation Committee as an ad hoc committee of the Town of Orchard Park, and be it further

**RESOLVED**, the initial mission of this committee will be to create a Mission Statement identifying its purpose relative to maintaining the Town of Orchard Park Comprehensive Plan as a living, breathing document, and be it further

**RESOLVED**, the process of assessment is to include but not be limited to updating all relevant information, and giving assessment and direction relative to the infrastructural needs and guidelines, alternative energy policies, and single-multi- and senior-housing needs as well as business enterprises, and be it further

**RESOLVED**, the initial members appointed to this committee are as follows:

- Rozanne Redlinski as Chairperson
- The Chair of the Planning Board or their designee
- The Chair of the Orchard Park Economic Development Committee or their designee

And be it further

RESOLVED, said members shall propose the number of and specific additional members for this committee, ex officio members of this committee, means of governance of this committee, and terms of office for members of this committee.

The resolution was unanimously adopted.

New Business #1 Authorize Traffic Orders

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

WHEREAS, upon recommendation of the Public Safety Committee, and pursuant to the authority granted by Section 1660 of the Vehicle and Traffic Law of the State of New York.

NOW, THEREFORE, it is hereby

ORDERED, that the following stop signs be erected, or replaced, effective immediately, within the Town of Orchard Park, outside the incorporated Village of Orchard Park:

- Middlebury at intersection of Knob Hill Stop Sign
- Greenwood Dr. at intersection of Pawtucket Row Stop Sign
- Pawtucket Row at intersection of Tanglewood Dr. Stop Sign
- Fir Top Dr. at intersection of Tanglewood Dr. West Stop Sign
- Daisy Ln. at intersection of North Lane Stop Sign
- Daisy Ln. at intersection of Timothy Dr. Stop Sign
- Nieman Dr. at intersection of North Lane Stop Sign
- Nieman Dr. at intersection of South Lane Stop Sign
- Hillsboro Dr. at intersection of Hillsboro Dr. Stop Sign
- Diller Dr. at intersection of Ferndale Dr. Stop Sign
- Moreland Dr. at intersection of Diller Dr. Stop Sign
- Edgar Circle at intersection of Diller Dr. Stop Sign
- Edgar Circle at intersection of Moreland Dr. Stop Sign

And it is further

ORDERED, that the following Yield Signs be erected, or replaced, effective immediately, within the Town of Orchard Park, outside the incorporated Village of Orchard Park:

- Mt. Airy Ct. at intersection of Mt. Airy Ct. Yield Sign
- Kent Dr. at intersection of Dale Rd. Yield Sign
- Spruce Ledge Ct. at intersection of Middlebury Rd. Yield Sign
- Duxbury Rd. at intersection of Middlebury Rd. Yield Sign
- Hearthstone Terr. at intersection of Knob Hill Yield Sign
- Clover Ct. at intersection of North Lane Yield Sign
- Hampton Ct. at intersection of Deer Run Yield Sign
- Majestic Ct. at intersection of Grandview Trl. Yield Sign
- Cambridge Ct. at intersection of Coventry Ln. Yield Sign
- Hobby Ln. at intersection of Coventry Ln. Yield Sign
- Falconview Ct. at intersection of Grandview Trl. Yield Sign
- Highpoint Ct. at intersection of Hampton Ct. Yield Sign
- Chatham Ct. at intersection of Stoughton Ln. Yield Sign
- Norwood Ln. at intersection of Stoughton Ln. Yield Sign
- Jordon Tr. at intersection of Melberry Trl. Yield Sign

Brimfield Ct. at intersection of Eaglebrook Dr.  
The Green at intersection of Eaglebrook Dr.  
Henning Dr. at intersection of Henning Dr.

Yield Sign  
Yield Sign  
Yield Sign

**And it is further**

**ORDERED**, that the Orchard Park Highway Superintendent is hereby directed to post the proper and necessary signs indicating the area speed limit on the above referenced highway.

**The resolution was unanimously adopted.**

**New Business #2 Approve Replacement Sign on Town Property on Braunview Way**

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

**WHEREAS**, the Braunview Subdivision includes a greenery island at the entrance to the subdivision on Town property, and

**WHEREAS**, there has been an identification sign for that subdivision located on that island, and

**WHEREAS**, the residents of the Braunview Subdivision wish to replace the original identification sign at their own expense, and

**WHEREAS**, the Town of Orchard Park is ready, willing and able to approve replacement of the subdivision identification sign by the Braunview residents.

**NOW, THEREFORE, be it**

**RESOLVED**, that the Town Board does hereby approve the replacement of the Braunview Subdivision Identification sign on Town property. Said replacement will be fully funded by residents of the Braunview Subdivision. This approval is contingent upon securing the appropriate permits and approvals from the Building Inspector and other planning entities as necessary.

**The resolution was unanimously adopted.**

**New Business #3 Letter to NYS DOT to Close Rt. 20A for July 4, 2017 Parade**

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

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to send a letter to the NYS DOT to close Rt. 20A from Baker Road west to South Lincoln Avenue for July 4, 2017 parade from 8:00pm – 9:00pm.

**The resolution was unanimously adopted.**

**New Business #4 Approve 2017 Compost and Mulch Pricing**

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

**RESOLVED**, that the Town Board does hereby set the 2017 pricing for the compost and mulch at the Town Compost site at \$15.00 a cubic yard for resident of Orchard Park, and \$23.00 a cubic yard for non-residents.

**The resolution was unanimously adopted.**

**New Business #5 Refer to Appropriate Boards**

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

**RESOLVED**, that the Town Board does hereby refer the following to the Planning Board, Zoning Board and Conservation Board:

- Joseph DeMarco, Jr. is requesting to rezone property located at 4000 California Road from R-4, to I-1 to comply with a Planning Board Request. (SBL#161.03-1-5.1)
- Matthew Lawless, representing Fox Run of Orchard Park, requests Site Plan review and issuance of a Building Permit to construct a two-story 14,000-sq.foot addition to their existing Health Center, zoned B-2 (SBL# 172.00-1-1.111).

**The resolution was unanimously adopted.**

**BUSINESS FROM THE FLOOR**

Chris Weyer who lives in Eagle Heights had an extended power outage with the wind storm on March 8, 2017. NYSEG has neglected trimming trees for many years in Eagle Heights. They need to maintain their ROW and clear paths so this doesn't happen in the future. NYSEG web communication, field communication is inadequate. Felt the town could be alerting the community more about the outages, if the town had warming stations open. Requesting the Town Board to investigate NYSEG plans for tree clearing as well as holding them accountable both proactively and reactively. Other municipalities have asked the governor's office to investigate and ask the TB to investigate their emergency plans. Ms. Weyer offered to serve on committee to reduce outages.

The following residents commented against the apartment complex proposed by the developer:

- |                  |                  |                        |
|------------------|------------------|------------------------|
| Jim Suplicki     | David May        | Andrew Kowalski        |
| Debbie May       | Paul Sheppard    | Note from Mark Terejko |
| Donald Kaczynski | Carlo De Chellis |                        |

In summary: these residents are opposed to the plans presented by the developer for the "Orchard Grove Apartments" with a proposed construct 150 multiple family unit complex including an access road that involves demolishing an existing house at 5502 Big Tree Road. Developer wants to put an access road in a 'residential area' which will negatively affect this neighborhood. This access road will serve construction purposes while the complex is being built. This access road will be a disruption and not fair to the residents in proximity for noise, dust and fumes (health effects), as well as limit owners' privacy (back yard). The developer explained to the residents that they want this access road to have signage on Big Tree Road with the name of their complex "for advertising purposes", and when the complex is complete the access road will be a one way entrance to the complex. This will add to traffic issues and delays with vehicles pulling into this entrance and the hazard to pedestrians who walk this strip regularly. Residents feel having an access road right next to their suburban homes takes away from their single family neighborhood. Access to this complex will also use Shadow Lane and California Road. Why does this developer need three entrances (recommended access road is .1 miles from Shadow Lane) when two other roads are adequate? Big Tree Road is already a busy road especially during the times of (7am-9am) and (3pm-6pm). Residents near the access road feel this will negatively affect their home values. Requesting the town and planning

board to consider all options while reviewing this project, and see things from the existing homeowner's and the communities perspective. Residents also feel this complex will put a strain on current utility infrastructure as water pressure is very low in this area and would only get worse. This is a beautiful town we live in, please don't degrade it by letting the developers add an unnecessary access road, and allow the number of units per complex to pass.

Ryan Cimo is from the Braunview neighborhood, and thanked the town for the motion to put a replacement sign on the Braunview entrance island. The homeowners association did their own fundraiser for a sign and landscaping of the entrance area. Mr. Cimo thanked Fred Piasecki, Supervisor Keem, John Bailey and the town government for the approval.

Donald Kaczynski expressed his concerns of rezoning 4000 California Road. As a resident on this road, there have been a lot of accidents in front of his property (4 this past winter alone), as there is a lot of activity in and around properties near this location including car moving trucks, tractor trailers and other construction vehicles as well as noise. Homeowners have to keep windows closed due to noise, dust, fumes from all the vehicles on the road and adjacent DeMarco property. Would like to see the town keep the integrity of this neighborhood on California Road / Big Tree.

#### **ELECTED OFFICIALS & DEPARTMENT HEADS**

Supervisor Keem discussed the power outage, and glad that Governor Coumo and County Executive Mark Poloncarz complained about it and asked for an investigation. NYSEG has to do better, and the town will also look into it.

Mike Sherry thanked everyone who spoke their concerns tonight about "Orchard Grove" proposed project. The Town Board listens to people and executes their will. The Town Board has not received a formal request and it doesn't require rezoning or special exception use under the code. This would be a decision of the Planning Board. The Town Clerk will also forward all the comments from the floor and the minutes to the Planning Board.

Remy Orffeo addressed Big Tree and California Road residents that they should contact the Planning Department and get added to their mail list to stay abreast of this project and others in the vicinity. There will be a preliminary hearing and a public hearing scheduled in the future, and residents can voice their concerns as well. Submitting any letters, petitions is very important.

Building Inspector Andy Geist is also on the town Emergency Management Team and spoke regarding the wind storm and the town did have the Senior Center ready to be a warming shelter, however there were very few inquiring about a warming shelter or assistance, and only one structural damage report. We didn't get the volume of emergency calls as we did during the November storm. The town did have multiple conference calls with Erie County Emergency Management and NYSEG daily. In regards to Orchard Grove and if they demolish the existing house, there are regulated guidelines for asbestos removal (regulation removal is very strict), as well as distance requirements for an access road. The roadway is proposed 'into the complex only' so there won't be headlights in houses across the street. The lot is 90 feet, and the driveway requirement is only 16 feet so there is a lot of buffering on either side.

Police Chief Pacholec also had to deal with NYSEG for downed lines and live wire emergencies which NYSEG was very vague in their response times ("assessing the situation"). He thanked Highway for their road closure and detour signs to keep the community safe. Residents need to obey the road closure signs as it is a safety issue. The town only had one well-check call during this storm. Power was out for some residents until Sunday evening. Police will put out recommended list of items residents should have on hand when there is a utility outage. Police Chief thanked highway for the replacement of yield and stop signs that needed to be put up throughout the community.

Highway Superintendent Piasecki outlined the current activities of the Highway Department. Notice from Erie County that Lake Avenue has road work signs up as the county is sandblasting and painting the overpass of the 219 bridge by North Benzing Road from March 20 – April 3.

Town Engineer Bieler commented about the Orchard Grove Apartments that there are no requirements with town for utilities or access standpoint for the connection.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR KEEM, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN 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:

General Fund	\$69,316.01
Public Safety Fund	\$3,444.63
Part Town Fund	\$1,458.46
Risk Retention	\$0
Cemetery Fund	\$0
Highway Fund	\$27,244.93
Special Districts	\$25,981.43
Trust & Agency	\$1,892,599.34
Capital Fund	\$36,916.29

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does hereby receive and file the Building Inspector's Report for February 2017.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Keem, seconded by Councilman Majchrzak, the meeting adjourned at 8:07 pm (local time).

Respectfully Submitted,



Remy C. Orffeo  
Town Clerk

