

PH 9/18 RC

**PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on September 18, 2019 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding Local Law 6 for the Year 2019. This local law provides as follows:

Town of Orchard Park to over-ride tax levy limit established in General Municipal Law Sec 3-c as follows

**SECTION 1: Legislative Intent**

It is the intent of this local law to allow the Town of Orchard Park to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law Sec 3-c.

**SECTION 2: Authority**

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Sec 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**SECTION 3: Tax Levy Limit Override**

The Town Board of the Town of Orchard Park, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Sec 3-c.

**SECTION 4: Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5: Effective Date**

This local law shall take effect upon filing in the Office of the Secretary of State.

Remy C. Orffeo  
Town Clerk  
August 22, 2019

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**PUBLIC NOTICE**

Please take notice that pursuant to Chapter 52, Conservation Easements, Section 6 (c) of the ordinances of the Town of Orchard Park, a Public Hearing will be held by the Town Board on the 18<sup>th</sup> day of September 2019 at 7:00PM (local time) at the Orchard Park Municipal Center, 4295 South Buffalo St., Orchard Park, New York, concerning the proposal to accept Conservation Easement renewals on properties listed below and to authorize the Town Assessor to determine the valuation of the properties taking into account the limitation of the future use of the land imposed by such Conservation Easement.

The sites and owners of the properties are listed below:

1. Patrick & Rose McCarthy, 6900 Ward Road, 15-Acres extend to 29-years, thru 2033 (SBL#198.00-6-21./E).
2. Patrick & Rose McCarthy, V/L Scherff Road, 10-Acres extend to 29-years, thru 2033 (SBL#198.00-6-19.1/E).
3. Geraldine Kozlowski, 6813 Chestnut Ridge Road, 7-Acres extend to 29-years, thru 2033 (SBL#198.00-6-27).

August 22, 2019  
Remy C. Orffeo  
Town Clerk.



# TOWN OF ORCHARD PARK

## MEMORANDUM

S.4295 SOUTH BUFFALO STREET  
ORCHARD PARK, NEW YORK 14127  
(716) 662-6432, ext. 2202

**DATE:** September 13, 2019

**TO:** Town Clerk, Remy Orffeo  
Kathy Swarbrick  
Building Inspector Steve Bremer

**FROM:** Rose Messina

**SUBJECT:** Item(s) for September 18, 2019 - TB Agenda

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### **OLD BUSINESS:**

The Planning Board, at their 9/13/19 meeting, made the following recommendation to the Town Board:

With regard to 3552 Southwestern Boulevard, West Herr Automotive, north side of Southwestern Boulevard, east of Mid County Drive, Zoned I-1, the Planning Board recommends that the Town Board GRANT Site Plan Approval, and ISSUE a Building Permit to construct approximately 89 new parking spaces, with associated improvements involving landscaping and stormwater management, located at the rear of the existing Corporate Headquarters building, per the plans received on 6/26/18, based on the following conditions and stipulations:

1. This is an Unlisted SEQRA Action, based on the Short EAF Part 1, and a Negative Declaration is recommended.
2. 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.
3. No outside storage or display is permitted.
4. The Landscape Plan, received 5/10/19, meets all Green Space regulations with 41% Total Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$26,000 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$13,000) Conservation Board approval was granted on 7/30/19.
5. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
6. Town Engineering Approval was granted on 10/01/18.

### **NEW BUSINESS:**

Please refer the following to Planning & Conservation Boards for review.

1. V/L Michael Road, located on the north side of Michael Road, west of Transit Road, Zoned R-2. Owner, Ross Cellino, is requesting to construct a 12,078 +/- sq. ft. Maintenance/Grounds Building for Harvest Hill Golf Course. Town Board granted a "Special Exception Use Permit" on May 15, 2019. (SBL#154.09-1-8)

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#	Name of Applicant	First Name	Last Name or Business	Parking # & Street	Parking City & State
1	2549 Group, LLC	William	Paladino	4297 Abbott Road	Orchard Park, NY
2	3819 Southwestern LLC	3819 Southwestern Blvd	LLC	3819 Abbott Road	Orchard Park, NY
3	Kingfisher Holdings	Jim	Eagan	3920 Southwestern Blvd.	Orchard Park, NY
4	Augustine, Diane	Diane	Augustine	3968 Southwestern Blvd.	Orchard Park, NY
6	Bieler, Kevin	Kevin	Bieler	3946 Southwestern Blvd.	Orchard Park, NY
8	Clark, Zachary	Zachary	Clark	4180 Abbott Road	Orchard Park, NY
9	Danny's South	Danny's South		4300 Abbott Road	Orchard Park, NY
10	DeMarco, Daniel	Daniel	DeMarco	4270 Abbott Road	Orchard Park, NY
11	DeMarco, Joe & Diane	Joe & Diane	DeMarco	3964 California Road	Orchard Park, NY
12	DeMarco, Joe Jr.	Joe	DeMarco	4000 California Road	Orchard Park, NY
13	Leckel, Jacob	Jacob	Leckel	5122 Big Tree Road	Orchard Park, NY
14	Hanley, Sean	Sean	Hanley	3944 California Road	Orchard Park, NY
15	Niagara Frontier Recovery	John	Henderson	3958 Southwestern Blvd.	Orchard Park, NY
17	Jakubowski, Maureen	Maureen	Jakubowski	3796 Abbott Road	Orchard Park, NY
18	Janish, Joelle	Joelle	Janish	3719 Abbott Road	Orchard Park, NY
19	Kane, Sue & Patrick	Sue & Patrick	Kane	3952 Southwestern Blvd.	Orchard Park, NY
20	Kingfisher Holdings	Jim	Eagan	3785 Southwestern Blvd.	Orchard Park, NY
21	Kowalski, Ray & Sue	Ray & Sue	Kowalski	3972 Southwestern Blvd.	Orchard Park, NY
22	Krygier, Linda	Linda	Krygier	3781 Abbott Road	Orchard Park, NY
23	Kuebler, John	John	Kuebler	3892 Southwestern Blvd.	Orchard Park, NY
24	Leitzan, Mark	Mark	Leitzan	3808 Abbott Road	Orchard Park, NY
25	Leitzan, Mark	Mark	Leitzan	3816 Abbott Road	Orchard Park, NY
26	Leitzan, Mark	Mark	Leitzan	3830 Sheldon Road	Orchard Park, NY
27	Liberatore, Victor	Victor	Liberatore	3807 Southwestern Blvd.	Orchard Park, NY
28	Matwijow, American Hammer Hold	Eric	Matwijow	4170 Abbott Road	Orchard Park, NY
29	Matwijow, Lisa	Lisa	Matwijow	4155 Abbott Road	Orchard Park, NY
32	Milligan, W.J. (JM Productions)	W.J.	Milligan	3864 Abbott Road	Orchard Park, NY
33	Milligan, W.J. (JM Productions)	W.J.	Milligan	3880 Abbott Road	Orchard Park, NY

34 Milligan, W.J. (JM Productions)	W.J.	Milligan	3892 Abbott Road	Orchard Park, NY
35 OP Biergarten	David	Cronk	3847 Southwestern Blvd.	Orchard Park, NY
36 On the Go Convenience	Robert	Peleckis	3975 Southwestern Blvd.	Orchard Park, NY
38 Przybyl, Dennis	Dennis	Przybyl	3976 Southwestern Blvd.	Orchard Park, NY
39 Red Carpet Inn	Ram	Patel	3940 Southwestern Blvd.	Orchard Park, NY
40 Schummer, Abby	Abby	Schummer	5554 West Webster Rd.	Orchard Park, NY
41 Simoncelli, Dave	Dave	Simoncelli	3730 California Road	Orchard Park, NY
42 Simoncelli, Dave	Dave	Simoncelli	3740 California Road	Orchard Park, NY
43 Simoncelli, Ed/John	Ed	Simoncelli	5455 West Webster Rd.	Orchard Park, NY
44 Simoncelli, Michael	Michael	Simoncelli	3848 California Road	Orchard Park, NY
45 Smith, Scott & Linda	Scott & Linda	Smith	3879 Southwestern Blvd.	Orchard Park, NY
46 South Towns Motel	Aida	Carducci	3923 Southwestern Blvd.	Orchard Park, NY
47 Stadium Mobil	Saurabh	Khanna	3856 Southwestern Blvd.	Orchard Park, NY
48 Stephen, Paul	Paul	Stephen	4171 Abbott Road	Orchard Park, NY
49 Team Pro Auto Care	James	Corigliano	3707 Southwestern Blvd.	Orchard Park, NY
50 Tempestoso, David	David	Tempestoso	3912 Southwestern Blvd.	Orchard Park, NY
51 Trella, Gary	Gary	Trella	4317 Abbott Road	Orchard Park, NY
52 Tripodi, Stephen	Stephen	Tripodi	3800 Southwestern Blvd.	Orchard Park, NY
53 Twin Oak Motel	James H.	Priess	3949 Southwestern Blvd.	Orchard Park, NY
54 Tucker, Bo	Bo	Tucker	4243 Abbott Road	Orchard Park, NY
55 Violanti, Samuel & Gillardo, Ramon	Samuel Violanti &	Ramon Gillardo	3763 Abbott Road	Orchard Park, NY
56 Wannamacher, Lee	Lee	Wannamacher	3746 Abbott Road	Orchard Park, NY
57 Whytas, Henry	Henry	Whytas	5528 W. Webster Road	Orchard Park, NY
58 Windom Community Church	Windom Community Church		3766 Abbott Road	Orchard Park, NY
59 Yemma, Joseph	Joseph	Yemma	3785 Abbott Road	Orchard Park, NY



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

September 17, 2019

Honorable Town Board  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, NY 14127

**Re: Proposed Change Order #4  
Wm. T. Spaeder Fire Protection Contract – Condensate Drain Relocation  
Brush Mountain Community Activity Center**

Dear Board Members:

The Fire Protection contractor has recently finished installing exterior piping systems to provide fire protection under the front entrance canopy. Subsequently it was discovered that a condensate drain was placed in the line and located on the exterior of the front support column. This is not only aesthetically intrusive but also could lead to tampering with the device. A proposal has been received to relocate the drain within the column from both the General and Fire Protection contractor. Spaeder has supplied an estimate of \$833.93 to perform the work necessary for the relocation.

This change order will increase Wm. T. Spaeder's total contract to \$199,231.07 representing a 0.42% increase.

There is presently funding allocated under Capital Projects AB004 & AB005 for the Community Activity Center, and additional funding is being allocated into the accounts.

I, therefore, recommend that you approve change order #4 to our contract with Wm. T. Spaeder Co., Inc., 1602 East 18th Street, Erie, PA 16510, for the sprinkler head revisions in an amount not to exceed \$833.93 for the Brush Mountain Community Activity Center.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM  
Town Engineer

cc: Town Clerk T. Malecki, Drescher & Malecki  
Town Attorney Wendel File #15.007



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

**Phone:** (716) 662-6425  
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**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

September 17, 2019

Honorable Town Board  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, NY 14127

**Re: Proposed Change Order #11**  
**Javen General Contract – Multiple Change Orders**  
**Brush Mountain Community Activity Center**

Dear Board Members:

As discussed in previous work sessions and in the weekly progress meetings, with the rapid succession of construction trades progressing work for the Community Activity Center, a number of items have been brought forward to not only enhance the quality of the project, but also to keep the project schedule. The following items have been proposed by the general contractor, and recommended by Wendel and O.P. Engineering;

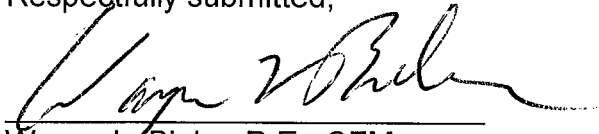
- 1) Relocation of Condensate Drain – The Fire Protection contractor has recently finished installing exterior piping systems to provide fire protection under the front entrance canopy. Subsequently, it was discovered that a condensate drain was placed in the line and located on the exterior of the front support column. This is not only aesthetically intrusive but also could lead to tampering with the device. A proposal has been received to relocate the drain within the column from both the General and Fire Protection contractor. Javen has supplied an estimate of \$1,416.31 to perform the work necessary for the relocation.
- 2) Downspout Connections – With the completion of the roof over the mechanical lean-to, it was noted that no direct connection for the down spouts were provided into the storm sewer. Without the direct connection, the water would flow onto a splash block and could lead to ponding during wet weather events. Javen has supplied an estimate of \$963.94 to connect the downspouts.
- 3) Flagpole – A request was made to include a flagpole located central to the front entrance of the C.A.C. A proposal has been received by both Javen and IPL to place a 40' Flagpole and light. Javen's proposal totals \$12,632.75

If all items are accepted and approved, this change order will increase Javen's total contract \$15,013.00 to \$12,671,334.12 representing a 0.12 % increase.

There is presently funding allocated under Capital Projects AB004 & AB005 for the Community Activity Center and additional funding is being allocated into the accounts. To date, excluding bid alternates accepted post award, the change orders for Javen's contract total \$27,993.12 or 0.23%.

I, therefore, recommend that you approve change order #11 to our contract with Javen Construction Co., Inc., 2575 Baird Road, Penfield, NY 14526 for the relocation of the condensate drain, downspout connections, and Flag Pole installation in an amount not to exceed \$15,013.00 for the Brush Mountain Community Activity Center Project.

Respectfully submitted,



Wayne L. Bieler, P.E., CFM  
Town Engineer

Attachments

cc: Town Clerk                      T. Malecki, Drescher & Malecki  
Town Attorney                      Wendel                      File #15.007





# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

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TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

September 17, 2019

Honorable Town Board  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, NY 14127

**Re: Proposed Change Order #8  
IPL Corp. Electrical Contract – Flagpole Light  
Brush Mountain Community Activity Center**

Dear Board Members:

A request was made to include a flagpole central to the front entrance of the Community Activity Center. Proposals have been received from both Javen and IPL for the work necessary to install the pole and light. IPL's proposal to install the light totals \$1,025.00.

This change order will increase IPL's total contract to \$1,928,654.55 representing a 0.05% increase. There is presently funding allocated under Capital Projects AB004 & AB005 for the Community Activity Center, and additional funding is being allocated into the accounts.

I, therefore, recommend that you approve change order #8 to our contract with Industrial Power & Lighting Corporation 60 Depot St, Buffalo, NY 14206, for the installation of the Flag Pole light in an amount not to exceed \$1,025.00 for the Brush Mountain Community Activity Center.

Respectfully submitted,

Wayne L. Bieler, P.E., CFM  
Town Engineer

cc: Town Clerk T. Malecki, Drescher & Malecki  
Town Attorney Wendel File #15.007



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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TOWN ENGINEER  
**WAYNE L. BIELER, P.E.**

September 17, 2019

Honorable Town Board  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, NY 14127

**RE: Release of Escrow - Grading and Seeding  
Armor Duells Sanitary Sewer Extension  
PIP #2018-01**

Dear Board Members:

On April 17, 2019 the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the contractor be held in escrow until fine grade topsoil, and hydro seed disturbed areas along the sanitary sewer extension work was completed.

The contractor has since completed the required grading, seeding, and grass grown along the Armor Duells Sanitary Sewer Extension. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

I therefore recommend that you authorize the Town Clerk to release to Bart Adams 16 Faahs Drive; Orchard Park, New York 14127, the \$500 held in escrow for Grading and Seeding in the Armor Duells Sanitary Sewer Extension (PIP #2018-01).

Respectfully submitted,

Wayne L. Bieler, P.E.  
Town Engineer

cc: Town Clerk  
File #14.006.2

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**Visit the Town's website at [www.orchardparkny.org](http://www.orchardparkny.org)**

**RESOLVED**, that the Town Board does hereby approve the request to send Chief of Police E. Joseph Wehrfritz, to attend the 2019 International Chiefs of Police Annual training conference, to be held October 26<sup>th</sup> thru October 29<sup>th</sup> . The money is in the budget.

**RESOLUTION**

**WHEREAS**, the Town of Orchard Park has a need for a full-time Electrical Inspector, and

**WHEREAS**, the Town of Orchard Park wishes to create a Civil Service Title of "Full-time Electrical Inspector", and

**WHEREAS**, upon recommendation of Building Inspector Steven Bremer the Orchard Park Town Board wishes to appoint Rayne Degre to the position of full-time Electrical Inspector created hereby,

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) The Town of Orchard Park hereby creates the position of full-time Electrical Inspector, and
- 2) The Town of Orchard Park hereby appoints Rayne Degre to that newly created position of full-time Electrical Inspector, and
- 3) Mr. Degre is assessed a pay range of 0010 under the White Collar Collective Bargaining Contract starting at 25.82 step (A) pursuant to appendix "F"-2019 Salary Schedule, and
- 4) Mr. Degre's part-time hire date of January 1<sup>st</sup>, 2019 is adopted as his anniversary date and his six-month's probationary period is hereby waived, and
- 5) Mr. Degre will have accrued sick and personal time from September 19<sup>th</sup>, 2019 and will be eligible for vacation time on September 19<sup>th</sup>, 2019, and
- 6) Mr. Degre will have the formal title of Electrical Inspector/Code Enforcement Officer.

RESOLVED, that the Town Board does hereby authorize the Supervisor to submit an application to the New York State Unified Court System for the 2019 Justice Court Assistance Program, the total amount is not to exceed \$2,350.00 for equipment and furniture upgrades to the Court Clerk's Office, as requested by Town Justice Edward Pace and Town Justice Jorge deRosas.

TC

WHEREAS, the Board of Assessment Review is in need of a member, and

WHEREAS, Orchard Park resident Jon Pierowicz has expressed in interest in serving on the Board of Assessment Review, and

WHEREAS Jon Pierowicz is an attorney with extensive real estate experience

NOW THEREFORE be it

RESOLVED that Jon Pierowicz is appointed to the Board of Assessment Review with a term to expire on September 30, 2023.

JL

**RESOLUTION**

**WHEREAS**, the Town of Orchard Park has a need for a Fire Inspector, and

**WHEREAS**, the Town of Orchard Park wishes to create a Civil Service title of "Fire Inspector", and

**WHEREAS**, upon recommendation of Building Inspector Steven Bremer, the Orchard Park Town Board wishes to appoint Tom Minor to the position of Fire Inspector,

**NOW, THEREFORE, BE IT RESOLVED** that:

- 1) The Town of Orchard Park hereby creates the position of "Fire Inspector", and
- 2) The Town of Orchard Park hereby appoints Tom Minor to the position of Fire Inspector at Range II, Step A.

**TOWN OF ORCHARD PARK**

TC

**BUILDING INSPECTOR MONTHLY REPORT**

**MONTH OF AUGUST 2019**

BUILDING PERMITS	# OF	VALUE	BUILDING PERMITS	# OF	VALUE
<b>NEW CONSTRUCTION:</b>			ABOVE GROUND POOLS	4	9,700
SINGLE DWELLING	3	1,210,000	INGROUND POOLS	7	276,750
DOUBLE DWELLING			DECKS	2	6,800
APT/MULTI-FAMILY	4	3,210,000	ELECTRICAL	11	32,114
COMMERCIAL	1	750,000	FENCES	13	66,186
<b>ADDITIONS:</b>			GARAGE / BARN / POLE BARN	3	58,300
RESIDENTIAL	4	258,000	GENERATORS	5	28,936
COMMERCIAL			MISC.	3	36,795
<b>ALTER/REPAIR:</b>			PORCH/PATIO	1	4,000
RESIDENTIAL	4	58,684	SHEDS	7	33,400
COMMERCIAL / TENANT BO	1	50,000	SIGNS	5	109,150
<b>SOLAR PV SYSTEM</b>			<b>TOTAL:</b>	78	6,198,815

INSPECTIONS TYPE:	NUMBER OF INSPECTIONS PER ZONE				TOTAL
	1	2	3	4	
<b>NEW CONSTRUCTION:</b>					
RESIDENTIAL	11	11	7	4	33
COMMERCIAL	2	6	3		11
<b>ADDITIONS:</b>					
RESIDENTIAL		6	3	2	11
COMMERCIAL			3	1	4
<b>ALTER/REPAIR:</b>					
RESIDENTIAL	8	5	4	7	24
COMMERCIAL / TENANT BO	2		4	8	14
ABOVE GROUND POOLS	1			3	4
INGROUND POOLS	3	5	2	7	17
DECKS	4	6	2	4	16
ELECTRICAL SERVICE	4	2	2	4	12
FENCES	7	3	1	5	16
GARAGE/BARN/POLE BARN	9	2	1	1	13
GENERATORS	4	3	2	1	10
MISC.	11	9	5	47	72
PROPERTY MAINTANICE	4	8	6	16	34
SHEDS	6	4			10
SIGNS				1	1
SOLAR PV SYSTEM				2	2
FIRE INSPECTIONS		3	19	17	39
CLOSEOUT INSPECTIONS					
<b>TOTAL INSPECTIONS:</b>	76	73	64	130	343

Meetings Attended	Town Board	Planning Board	Z B A	court
Steven Bremer	3	1		
David Holland			1	
John Wittmann				2
Tom Minor				
Rayne Degre				

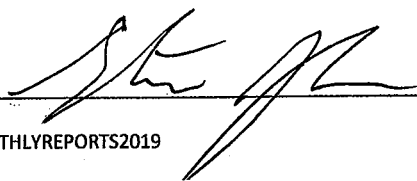
ZONING BOARD OF APPEALS:

GRANTED: 3

DENIED: 1

REMARKS:

SIGNATURE: \_\_\_\_\_



DATE: \_\_\_\_\_

9/9/19