



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

TOWN ENGINEER
WAYNE L. BIELER, P.E.

March 17, 2020

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

**Re: Little Loop Football Field
Brush Mountain Park Professional Consultant Agreement
Change Order #1**

Dear Board Members:

As you are aware, the bid results for the Little Loop Announcer's and Storage Booth came in with pricing above what was anticipated. After meeting with Town Officials, the Architect, and the Little Loop organization, it was decided that the building would be redesigned in an effort to lower construction costs to \$150,000, including design. CW&M have proposed a cost of \$2,000 to make the necessary plan revisions. This will increase their total contract to \$8,000.

There is funding allocated and are included under the Brush Mountain Community Activity Capital Account AP009 Fund, which was approved by the Town Board in 2019 bond resolutions.

Therefore, I recommend you approve Change Order #1 with Carmina, Woods, Morris DPC for professional architectural and structural re-design services for the Brush Mountain Park Little Loop Football Field, in an amount not to exceed \$2,000.00.

Respectfully submitted,

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

Attachments

cc: Town Attorney
Town Clerk

Tom Malecki, Drescher & Malecki
OP Accounting Dept.

File #19.006

Visit the Town's website at www.orchardparkny.org

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PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on March 11, 2020 at 7:00 PM (local time), in the matter of "Special Exception Use Permit" request for Proposed Mighty Taco Restaurant with a drive through at 3340-3350 Southwestern Blvd.

A complete metes and bounds description of this property together with a surveyor's map is on file in the Town Clerk's Office for onsite inspection during regular business hours.

At such time all interested persons will be given as opportunity to be heard.

Remy C. Orffeo, Town Clerk
February 19, 2020

PUBLIC HEARING

“Special Exception Use” Permit for the proposed Mighty Taco Restaurant at 3340-3350 Southwestern Blvd.

At 7:20 PM (local time) Supervisor Keem called for the Public Hearing to hear all interested parties regarding the request for a “Special Exception Use” Permit for the proposed Mighty Taco Restaurant with a drive-through to be built at 3340-3350 Southwestern Blvd. A complete metes and bounds description of this property together with a surveyor’s map is on file in the Town Clerk’s Office for onsite inspection during regular business hours.

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

Supervisor Keem asked if anyone is interested in speaking or making a comment.

The attorney from Benderson Development appeared here today to answer any questions the Board may have regarding the proposed Mighty Taco Restaurant with a drive-through.

John Bernard spoke of the proposed Mighty Taco Restaurant with a drive-through. He stated his personal observations of other drive-throughs and their logistics. He also spoke of the lack of green space and the potential of connecting this property to Sterling Park.

2) 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 close the Public Hearing for a “Special Exception Use” Permit for the proposed Mighty Taco Restaurant with a drive-through to be built at 3340-3350 Southwestern Blvd. at 7:27 PM.

The Supervisor moved to address this item at the next Town Board Meeting.

The resolution was unanimously adopted.



**TOWN OF
ORCHARD PARK**

TC

MEMORANDUM

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

DATE: March 16, 2020

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

FROM: Rose Messina

SUBJECT: Item(s) for March 18, 2020 - TB Agenda

OLD BUSINESS:

At the Planning Board March 12, 2020 meeting the Planning Board recommended that:

1. **With regard** to the request for a Special Exception Use Permit by New York Beer Project, LLC/K Squared Properties LLC, to construct a two-story 28,000 +/- total sq. ft. Facility, with an 8,000-sq.ft. Covered Porch, Vacant Land located on Windward Road, in the Sterling Park Business Center, Zoned I-1, **we recommend Approval**, based on the following: 4/15

- A. This is an Unlisted SEQR action based on the submitted Short EAF Part 1, and a Negative Declaration shall be made.
- B. Public hearing fees must be paid prior to the public hearing, Section 144-69 of the Town Code.
- C. Article VI (Section 144-43(c)(1-11)) has been satisfactorily addressed as follows:
 1. The proposed project is in compliance with the Town's long-range Comprehensive Plan.
 2. The applicant has demonstrated a need for the project.
 3. The project is compatible with adjoining land uses and proposed developments, and will not have a negative impact on the adjacent land value or public safety.
 4. The applicant has demonstrated an orderly flow of traffic ingress and egress.
 5. The applicant has provided suitable parking facilities.
 6. Free area for recreation is not required.
 7. The nearness and impact on schools and utilities is not an issue.
 8. The health and safety of adjacent properties is not affected.

Please set a Public Hearing date.

Continue on Page two, attached.

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WHEREAS, the Orchard Park Town Board has received a request by Quaker Crossing, located on the north side of Milestrip Road, Zoned B-1, to construct a 20,000-sq. ft. out-parcel building, and

WHEREAS, the out-parcel building will be constructed in space no longer utilized for parking by Regal Cinemas, and

WHEREAS, the Planning Board recommends that the Town Board approve this request

NOW, THEREFORE be it

RESOLVED, that a public hearing regarding the request for a 20,000-sq. ft. out-parcel building at Quaker Crossing is set for April 15, 2020 at 7 PM.

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RESOLVED that the Orchard Park Town Board appoints Andrew Coppola to the Full-Time position of Caretaker with a start date of March 23, 2020 and a rate of \$17.27 per hour Range 0003 – White Collar Union position. This is a transfer from the Village of Orchard Park to the Town of Orchard Park and Mr. Coppola shall immediately transfer over 184.5 days of earned sick time; have 25 days of earned vacation time; and 3 personal days as of June 1, 2020. The accruals going forward and all other terms will be in compliance with the White Collar Union Contract.

PARKS & GROUNDS AGREEMENT

The Town of Orchard Park, with offices at S4295 South Buffalo Street, Orchard Park, New York (hereinafter the "Town") and the Orchard Park Little League with offices at PO Box 201 OP, NY 14217 Orchard Park, New York (hereinafter the "Licensee") hereby enter the following Agreement for the use of the Brush Mountain Park Concession/Restroom Facility (hereinafter the "facility") and playing field (hereinafter the "field"):

1. Licensee must complete a facility use permit requesting the use of the facility and field use permit for the use of the field.
2. Facility and field use permits need to be renewed annually.
3. An appropriate Insurance Certificate approved by the Town Attorney shall be provided with each of the facility permit and field permit.
4. Keys to the facility shall not be issued without a facility use permit.
5. The Town shall be provided a list of all individuals provided with keys to the facility.
6. The Licensee shall be responsible for any damage to the facility and/or field during the hours of operation by the Licensee.
7. The Licensee is responsible for obtaining any other permits necessary to operate the concession stand at the facility.
8. Food shall not be prepared inside any structure at the facility.
9. No alcoholic beverages shall be allowed in the building at the facility.
10. The facility shall only be opened while the park is open.
11. Cars shall park at the facility building for unloading of supplies only.
12. No gasoline or power equipment shall be stored in the facility building.
13. Storage sections of the facility building may be shared with other Licensees.
14. No permanent signs shall be attached to the facility building.
15. The Town shall not be responsible for items stored by the Licensee using the facility building.
16. Licensee shall leave the Concession area clean and free of wood waste during the hours of operation.

17. The Licensee shall clean the bathrooms and refill the toilet paper and soap dispensers during the hours that the Licensee uses the facility. Failure to have the restrooms clean for the next Licensee may result in cancellation of the Lease.
18. Licensee shall remove litter and empty waste containers from an area within 100 feet of the facility building during the hours of operation, and prior to leaving the site for the day.
19. The gate shall be kept locked when not in use by the Licensee.
20. The Orchard Park Town Highway Department shall maintain the park grounds and the playing fields.
21. The park shall close and field lights shall not be operated after 11:00 p.m.
22. This Agreement shall be effective for one year beginning on the 1 day of may, 2020 and ending on the 1 day of sept., 2020.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals:

TOWN OF ORCHARD PARK

By: _____
Patrick J. Keem, Supervisor

LICENSEE

By: Mark A. [Signature]



TOWN OF ORCHARD PARK

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

March 12, 2020

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

**Re: Highcrofte Extension - Barrington Heights Part 2
PIP #2020-01**

Dear Board Members:

We have received from Andrew Romanowski, ARR Holdings, LLC; 4727 Camp Road, Hamburg, New York 14075, an application for a Public Improvement Permit to construct the Highcrofte Extension, formally Barrington Heights Part 2.

The project consists of the installation of 230 L.F. of new roadway to extend Highcrofte Lane with a "T" turn-around and public utilities to serve 3 residential sublots, as shown on the attached location map.

I have reviewed the plans and specifications for the proposed project and have found them to be in compliance with current Town Specifications and Standards. We are in receipt of all necessary fees, bank check in lieu of a Performance Bond, and insurances.

I, therefore, recommend approval of Public Improvement Permit #2020-01 for the Highcrofte Extension - Barrington Heights Part 2.

Respectfully submitted,

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

Attachment

cc: Town Clerk
Highway Superintendent

Town Attorney
File #94.046.4

S:\Subdivisions\Barrington Part 2\Construction\PIP APPROVAL- Highcrofte Extension - Barrington Phase 2.doc

Visit the Town's website at www.orchardparkny.org



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

March 12, 2020

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

Re: Advertisement for Bids
Community Activity Center Grading, Seeding, & Landscaping Project

Dear Board Members:

During the design phase of the Community Activity Center, it was discussed that the Town would perform the final grading, seeding, and landscaping for the overall project. Due to delays in the exterior finishes being applied by the General Contractor, the Highway Department was unable to finish the balance of work remaining before the fall and winter months. The Highway Superintendent issued a memorandum on 2/7/2020 stating that the Highway Department would be unable to complete the work remaining in the 2020 calendar year. The Engineering Department is currently developing plans and specifications to publicly bid the restoration work including grading, placing and working top soil, seeding, landscaping, as well as ancillary items such as trail gate installations.

In order for the SWPPP to be closed for the project and ensure a safe and aesthetically pleasing finish to the project, the restoration should be completed as soon as the weather permits in the spring months. Therefore, the Advertisement for Bids should be authorized to be published, with plans and specifications available for purchase on March 20, 2020 and the bid opening to be held on April 9, 2020 at 2:00 pm in the Supervisor's conference room.

I, therefore, recommend that you authorize advertisement in the Orchard Park Bee for sealed bids to be opened for the Community Activity Center Grading, Seeding, & Landscaping Project on April 9, 2020, at 2:00 pm in the Supervisor's Conference Room at the Orchard Park Municipal Center.

Respectfully submitted,

Wayne L. Bieler, P.E., C.F.M.
Town Engineer

Attachment

cc: Town Clerk Town Attorney File # 2015.007.3

Visit the Town's website at www.orchardparkny.org

TC

RESOLUTION

WHEREAS, as part of the process of issuing a final Certificate of Occupancy for the Community Activity Center it has been determined that certain zoning issues need to be addressed, and

WHEREAS, the Town of Orchard Park Board has appointed an ad hoc committee composed of the Town of Orchard Park Planning Coordinator, the Town of Orchard Park Building Inspector, and the Town of Orchard Park Attorney to consider and resolve any such issues, and

WHEREAS, said ad hoc committee has reviewed the pertinent issues relative to the issuance of the Certificate of Occupancy in light of the nine factors laid out by the New York State Court of Appeals in the Monroe County versus City of Rochester case and has made a recommendation to the Town of Orchard Park based on that review, and

WHEREAS, that review is now complete, the report has been presented to the Town of Orchard Park Board, and a recommendation to the Town of Orchard Park Board made therein,

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The Town of Orchard Park Board accepts the report from the ad hoc committee and directs that copies of the same be filed with the Town of Orchard Park Planning Coordinator and Building Inspector, and,
- 2) The Town of Orchard Park Board accepts and adopts the recommendations laid out in that report to grant the Community Activity Center building, grounds, and infrastructure immunity from any and all of the requirements of §144 of the Code of the Town of Orchard Park entitled "Zoning", and
- 3) The Building Inspector is directed to complete the process of issuing a Certificate of Occupancy for the Community Activity Center as appropriate.



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TOWN ENGINEER
WAYNE L. BIELER, P.E.

March 12, 2020

Honorable Town Board
Town of Orchard Park
4295 S. Buffalo Street
Orchard Park, New York 14127

Re: **Highcrofte Extension - Barrington Heights Part 2 PIP #2020-01**
ECWA Hydrant Fees

Dear Board Members:

As requested by the Erie County Water Authority (ECWA), the Town of Orchard Park is required to pass a resolution to pay the hydrant fee amount upon dedication of the various phases of the subdivision, per the lease management agreement between the Town of Orchard Park and ECWA.

The total construction of the above referenced public improvement project will result in one (1) hydrant in service.

I, therefore, recommend that you authorize the payment of the one (1) hydrant fee amount upon dedication of the Highcrofte Extension - Barrington Heights Part 2 PIP #2020-01 and associated hydrant, per the lease management agreement between the Town of Orchard Park and ECWA.

Respectfully submitted,

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

Cc: Town Attorney
Town Clerk
Jeffrey R Sylvester, ECWA
File #94.046.4



TOWN OF ORCHARD PARK

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TOWN ENGINEER
WAYNE L. BIELER, P.E.

February 1, 2020

Honorable Town Board
Town of Orchard Park
4295 South Buffalo
Orchard Park, New York 14127

Re: NYSEG LED STREETLIGHT CONVERSION PROJECT
Removing existing Mercury, High Pressure Sodium, & Metal Halide
Cobra Head Lighting and Installing New LED Equivalent fixtures

Dear Board Members:

The Engineering Department has received the proposed contract, inventory, and cost savings analysis from New York State Electric & Gas (NYSEG). The Town currently has 1,467 existing fixtures to be converted. The Town lighting inventory was verified by an independent auditor Troy & Banks in 2016 and any discrepancies found were addressed and corrected by NYSEG. NYSEG is proposing to replace all existing light fixtures with NEW LED fixtures which will generate a savings of ~\$89,053 per year in energy reduction. The cost of this upgrade will be \$55,854.07 which includes purchase and installation of the fixtures. The fixtures will still be Service Class 3 (SC3) where everything is maintained by NYSEG. **The Simple Payback on this project will be approximately 0.63 years.**

In order for the work to be completed, a Certified Resolution from the Town Board authorizing the Application for Street Lighting service (see attached) must be provided. This work will be completed by NYSEG approximately 6 months after attached application is submitted.

I, therefore, recommend you authorize the Town Supervisor to sign the Application for Street Light Service with New York State Electric & Gas to perform the replacement of existing street lighting to LED fixtures. This project will save taxpayer dollars, save energy and promote a green environmental practice for years to come.

Very truly yours,

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

Attachments

cc: Town Clerk Town Attorney File

S:\Town Projects\LED Conversion Project\Letter to TB - Authorize Supervisor Signature.doc

Visit the Town's website at www.orchardparkny.org

TC

With regard to the request by Marathon Roofing, 3310 N. Benzing Road, located on the west side of N. Benzing Road, south of Lake Avenue, Zoned I-1, the Planning Board recommends that the Town Board **AUTHORIZE** a Building Permit to construct a 10,300-sq.ft. Building addition and **APPROVE** the Site Plan received 1/31/2020, based on the following conditions and stipulations:

1. This is an Unlisted SEQR action, based on the submitted Short EAF, Part One, and a Negative Declaration is recommended.
2. The site lighting is limited to those fixtures indicated on the approved site plan. Light fixtures shall have flat lens.
3. No outside storage or display is permitted.
4. Any dumpsters added in the future shall be screened in accordance with Section 144-25 of the Town Code.
5. The Conservation Board Chair determined that as the addition is to be built on an impervious surface, and no greenspace is affected, there is no need for the project to be reviewed by the Conservation Board.
6. The Town Engineering Department researched the project and found that approval was granted in 1996; the approval lapsed, but they recommend it proceed directly to the Building Inspector as no complaints have been filed with the Town Engineering Department.

Please refer the following to the Planning and Conservation Boards for review & recommendation:

1. 4182 South Taylor, LLC, at 4182 South Taylor Road, located on the west side of South Taylor Road, north of Route 20A, Zoned I-1. Mr. Johnson is requesting to construct two buildings for storage and industrial shop space, totaling 14,175 sq.ft. (SBL#161.19-2-5.2)
2. J.D. Mobile Kitchens, 3964 California Road, located on the west side of California Road, south of Route 20, Zoned I-1. Mr. Joseph DeMarco, Jr. would like to remove their existing kitchen, and build a larger kitchen area.