



# 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.

July 6, 2021

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

**Re: *Bussendorfer Drainage Upstream Improvements (Phase 2)  
Change Order #2 DiDonato – Supplemental Surveying and Drainage Design***

Dear Board Members:

The Engineering Department is working with DiDonato Associates and Earth Dimensions to progress the plans and specifications for the above mentioned project. Currently, the mitigation plan has been submitted to the NYSDEC for final review. Once accepted by the DEC, the proposed improvements design within the mitigation area design will need to be formally completed and incorporated into the construction documents.

The attached proposal includes all work that was/is necessary to advance the mitigation area design from draft to final design as well as the work necessary to place an additional culvert behind 20 Pinewood Drive, that the additional culvert was requested by the homeowner in an effort to further protect the property from future damage due to flooding, and as well as the work needed for the Bussendorfer Pond and existing Mitigation Area Improvements.

There is presently \$836,781 allocated in "Bussendorfer Drainage" Capital Account for this project.

I, therefore, recommend you approve the Deputy Supervisor to sign the attached agreement for Change Order #2 for the contract with DiDonato Associates, 689 Main St., Buffalo, NY 14203 for the additional supplemental surveying/drainage design at 20 Pinewood, Bussendorfer Pond, and existing mitigation area Improvements' & design in an amount not to exceed \$12,300.00.

Respectfully submitted,

Wayne L. Bieler, PE, CFM  
Town Engineer

Attachment

Cc: Remy Orffeo, Town Clerk  
File #2002.030.2



# TOWN OF ORCHARD PARK

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TOWN ENGINEER  
WAYNE L. BIELER, P.E.

July 6, 2021

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

**Re: Duerr Road Creek Crossing Watermain Replacement Project  
Bid Award**

Dear Board Members:

Bids were opened for the Duerr Road Creek Crossing Watermain Replacement Project on July 1, 2021. The Project includes installing two valves and replacing the watermain under the creek and in the vicinity of the Bridge. The replacement of the Duerr Road Watermain Creek Crossing was requested by ECWA as the existing line is leaking and is essential to provide continued, uninterrupted water service to the serviced area.

Attached is an extended tabulation of bid results showing the itemized bid amounts from each Bidder. Contractor submissions were checked for math errors and very minor errors were found and noted. The low bidder for this project is North Spur Construction, LLC.

There is presently \$75,124 allocated under "Duerr Road Watermain" Capital Project FX003 to fund this project.

I, therefore, recommend that you award the contract for the Duerr Road Creek Crossing Watermain Replacement Project to the lowest responsible bidder, North Spur Construction, LLC., 156 Garrison Road, Buffalo, New York 14221, in the amount not to exceed \$54,500.

Respectfully submitted,

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

Attachment

Cc: Remy Orffeo, Town Clerk  
North Spur

Timothy Gallagher, Town Attorney  
File #2010.019.1

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



# 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.**

July 6, 2021

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

**Re: Berg Rd Pump Station**  
**Consultant Agreement with Professional Civil Engineering, LLC. (PCE)**  
**FEMA LOMA – Floodplain & Floodway Services**

Dear Board Members:

As you are aware, the Berg Road Pump Station was recommended for a complete replacement. The consultant, B&L, was hired and is currently in the early design phase of the project. This project will include the obtaining of land and easements for the new station. As originally thought, topo mapping shows these areas. Under the updated FEMA mapping, these areas are shown in the floodway and floodplain of Smokes Creek.

With the topo mapping done, the Engineering Department has received a proposal from Professional Civil Engineering, LLC (PCE) (Mr. Timothy M. Lavocat, PE, CFM) to perform the necessary engineering services to review Town ordinances, review proposed property/easement limits, perform a site visit, review survey information and request additional information if needed. They will determine areas to be removed from FEMA, areas based on elevations, review deed and legal descriptions, assemble application packet to FEMA for LOMA request. PCE will coordinate all required items for the submittal package and make the formal submittal to FEMA for a Letter of Map Amendment (LOMA) to remove the needed areas (up to two separate applications). PCE will then address reasonable comments from FEMA and solicit formal approval.

There is presently \$667,503.00 allocated in Capital Project G0006 (Berg Road Sanitary Sewer Pump Station). Additional funding may be needed for construction.

I, therefore, recommend that you authorize the Deputy Supervisor to sign an agreement with Professional Civil Engineering LLC., 8150 Salt Road, Clarence Center, NY 14032 to provide professional services for the Berg Road Sanitary Sewer Pump Station Replacement (FEMA LOMA – Floodplain & Floodway) for a fee not to exceed \$4,600.

Respectfully submitted,

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

Attachment

Cc: Remy Orffeo, Town Clerk  
Timothy Gallagher, Town Attorney  
Timothy Lavocat, PCE  
File #2020.005

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



# TOWN OF ORCHARD PARK

## MEMORANDUM

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

**DATE:** June 25, 2021

**TO:** Town Clerk, Remy Orffeo  
Deputy Town Clerk, Jennifer Brady  
Building Inspector Steve Bremer

**FROM:** Rose Messina

**SUBJECT:** Item(s) for July 7, 2021 - TB Agenda

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### OLD BUSINESS:

The Planning Board, at their March 11, 2021 meeting, recommended Approval of the "Redevelopment of the former American Legion Post" structure to include construction of a 2,950 +/- gsf Atrium, a new 4,100 gsf Brewery Building and miscellaneous Site Improvements, including an Outdoor Patio and Deck, with Landscape improvements based on submissions received on 3/5/21 as follows:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF Part 1, and a Negative Declaration is recommended.
3. 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.
4. No outside storage or display is permitted.
5. The Landscape Plan (updated), received 3/5/21, meets all Green Space regulations with 19.7% Total Green Space. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$14,328.50 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$7,164.25) Conservation Board approval was granted on 3/2/21.
6. Dumpsters as shown, shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
7. The Architectural Overlay District Committee approved the project at its April 22, 2021 meeting.
8. Town Engineering has no issues with the project, nor has the Building Inspector.

Continued on page 2, attached.



# Orchard Park Police Department

4295 South Buffalo Street □ Orchard Park, New York 14127

Phone: (716) 662-6444  
Fax: (716) 662-6485

Chief of Police  
E. Joseph Wehrfritz

June 1<sup>st</sup>, 2021

To: Orchard Park Town Board

From: Orchard Park Public Safety Committee

Re: Posting Speed Limit on Kathryn Drive

A concern from a citizen on Kathryn Drive was brought forth to the Public Safety Committee regarding there being no posted speed limit on the road. An inquiry with the Town Clerk's office did confirm that a resolution had never been passed enacting a speed limit on Kathryn Drive. The Public Safety Committee discussed the matter and wishes to put forth a recommendation to the Town Board that a "30 MPH" speed limit sign be posted on the west end of the roadway. This conclusion was reached due to the roadway being solely residential.

Sincerely,

Capt. G. Sheppard – Chairman Public Safety Committee



# Orchard Park Police Department

4295 South Buffalo Street □ Orchard Park, New York 14127

Phone: (716) 662-6444  
Fax: (716) 662-6485

Chief of Police  
E. Joseph Wehrfritz

June 1<sup>st</sup>, 2021

To: Orchard Park Town Board

From: Orchard Park Public Safety Committee

Re: Posting Speed Limit on Burton Road

A concern from a citizen on Burton Road was brought forth to the Public Safety Committee regarding there being no posted speed limit on the road. An inquiry with the Town Clerk's office did confirm that a resolution had never been passed enacting a speed limit on Burton Road. The Public Safety Committee discussed the matter and wishes to put forth a recommendation to the Town Board that a "35 MPH" speed limit sign be posted on both the north and south ends of the roadway. This conclusion was reached due to the relatively short length of the road and limited visibility caused by a hill at the roads halfway point.

Sincerely,

Capt. G. Sheppard – Chairman Public Safety Committee

RESOLVED, that the Orchard Park Town Board approves Commercial Parking Permits for 2021.  
The complete list of approved parking permits is on file in the Town Clerk's office.

2549 Group, LLC, 4297 Abbott Rd.  
3819 SWSTRN Blvd., LLC, 3819 Abbott Rd.  
3920 SWTRN LLC, 3920 SWTRN Blvd

Bell, Benjamin, 3847 Southwestern Blvd.

DeMarco, Joe & Diane, 3964 California Rd.  
Eagan, Jim, 3785 Southwestern Blvd.  
Hanley, Sean, 3944 California Rd.  
Jakubowski, Maureen, 3796 Abbott Rd.  
Janish, Joelle, 3719 Abbott Rd.

Kane, Sue & Patrick, 3952 SWTRN Blvd  
Kowalski, Ray & Sue, 3972 SWTRN Blvd

Leitzan, Mark, 3808 Abbott Rd.  
Leitzan, Mark, 3816 Abbott Rd.  
Leitzan, Mark, 3830 Sheldon Rd.

Liberatore, Victor, 3807 SWTRN Blvd  
Matwijow, Eric Am. Hammer Hold, 4170 Abbott Rd.  
Matwijow, Lisa, 4155 Abbott Rd.

Niagara Frontier Recovery, 3958 SWTRN Blvd

Pagano, Jeremy, 3964 Southwestern Blvd.  
Passucci, Michael (5/17), 5100 Big Tree Rd.  
Przybyl, Dennis 3976 SWTRN Blvd

Red Carpet Inn, 3940 SWTRN Blvd

Simoncelli, Michael, 3848 California Rd.  
Smith, Scott & Linda, 3879 SWTRN Blvd

Stadium Mobil, Inc, 3856 SWTRN Blvd

Tempestoso, David, 3912 SWTRN Blvd

Tripodi, Stephen, 3800 SWTRN Blvd

Violanti, Samuel/ Gillardo, Ramon, 3763 Abbott Rd.  
W.J. Milligan / JM Productions 3864 Abbott Rd.  
W.J. Milligan / JM Productions 3880 Abbott Rd.  
W.J. Milligan /JM Productions 3892 Abbott Rd.  
Wannamacher, Lee, 3746 Abbott Rd.  
Whytas, Henry 5528, W. Webster Rd.  
Windom Community Church, 3766 Abbott Rd.  
Yemma, Joseph, 3785 Abbott Rd.  
DeMarco, Joe Jr, 4000 California Rd.

**TOWN OF ORCHARD PARK HIGHWAY DEPARTMENT**

4350 South Taylor Road, Orchard Park, NY 14127 Phone: (716) 662-6442 Fax: (716) 662-2187



*Frederick J. Piasecki, Jr. ~ Highway Superintendent*

July 2, 2021

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

Ref: Highway Employee Hire

Dear Board Members:

Raymond George Stevens III, will be starting at the Highway Dept. on July 12, 2021. He will be starting at step 1 @ \$22.00 Hr.

Respectfully submitted,

Frederick J. Piasecki Jr.  
Highway Superintendent



RESOLVED, that the Town board does hereby approve the appointment of Jason J. Napierala to the position of Police Officer in the Orchard Park Police Department, conditional, Year 1, effective July 26<sup>th</sup>, 2021, at the salary of \$62,254.00.



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TOWN ENGINEER  
WAYNE L. BIELER, P.E.

July 6, 2016

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

**Re: Appointment to Position of Civil Engineer  
Kenneth W. Kostowniak  
Orchard Park Engineering Department**

Dear Board Members:

With the resignation of Garrett R. Chilson to pursue opportunities of higher wages in the private sector, on June 2, 2021, the Town Board approved the Advertisement for the vacated Civil Engineering Position. Per Civil Service, there is not currently an active civil service list for that title. On April 20, 2016, the Town Board created the Civil Engineering Title which was approved by Erie County Department of Personnel for the Town of Orchard Park based on job classifications and duties.

With the current work load of the Engineering Department, this title is recommended to assist in completing the various projects that develop as the Town's Infrastructure ages. The proposed position description of duties includes the following: A Civil Engineer performs engineering duties and liaison work in connection with the design, construction and maintenance of municipal projects; computes pipe analysis in main extensions and service connections; leads a field survey party; prepares field notes of survey work and prepares rough sketches for entry on final plates of system; receives, reviews and processes requests for utility extensions and service connections; works with accounting division in preparing bills for contractors and consumers; assists in making project cost estimates; inspects construction in progress for adherence to specifications and for recommending changes in plans for specifications; assists the legal division by preparing maps and other data for easements; assists in supervising the maintenance of a variety of equipment used in the division; may be assigned to supervise the maintenance of buildings, grounds and other properties of the municipality; witnesses and/or assists in the conduct of field tests; supervises engineering crews and construction inspectors; supervises the plotting of utilities and related information on permanent system maps; confers with developers on utility layouts, extensions, service connections, their cost, timing of construction and related matters; assists in the preparation of specifications and bid documents for work to be done by contractors including preliminary cost estimates.

Daily work scope includes performing entry level professional engineering work in the office or field in connection with design, inspection, maintenance and/or construction of civil engineering projects. Work also entails complex technical duties that apply the principles of civil engineering to a variety of engineering problems either as a regular assignment or as a training experience. Work is performed under the direct supervision of higher ranking engineering staff with limited leeway for the exercise of independent judgement. Supervision is exercised over lower level technical and labor class employees.

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

Honorable Town Board  
July 6, 2021  
Page 2

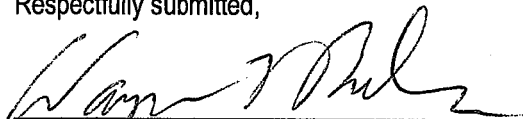
Minimum qualifications include A) Graduation from a regionally accredited or New York State registered college or university with a Bachelor's degree in Civil Engineering and three years of experience in civil engineering field or B) Graduation from a regionally accredited or New York State registered college or university with a two year college or university with a degree in Engineering with five years of experience or C) An equivalent combination of training and experience as defined by limits of A) and B).

This is the replacement of a vacant position within the Engineering Department which is currently funded with the 2021 budget. The wage range for Civil Engineer union title per the White Collar agreement is range 0014 \$29.84-\$37.60/hr. (\$62,305.92-\$78,508.80).

I am pleased to inform you that after interviewing several candidates for possible replacements, I have concluded that the best-qualified individual for the position is Kenneth W. Kostowniak. Mr. Kostowniak has worked assisting in the completion of various projects for the Town of Orchard Park for the last two years, the Village of Springville for five years as Superintendent of Public Works and the Village of Williamsville as a General Foreman for four years. Mr. Kostowniak graduated from the Erie Community College with an Associate in Mechanical Engineering Technology. Mr. Kostowniak has completed the challenges of the duties and responsibilities with the Town of Orchard Park with enthusiasm and has performed his assignments with diligence and effectiveness receiving excellent recommendations. Mr. Kostowniak's current title with Orchard Park is Principal Engineering Assistant Step E \$32.95/hr. Attached is a copy of Mr. Kostowniak's resume.

I, therefore, recommend that you appoint Mr. Kostowniak, \_\_\_\_\_, to the position of "Promotional" Civil Engineer assigned to the Engineering Department at Range 0014, Step E \$37.60/hr. of the union wage schedule effective July 17, 2021 with a six-month probation period and pending meeting all Civil Service rules and regulations.

Respectfully submitted,



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

Attachment

cc: Remy Orfeo, Town Clerk  
Kenneth Kostowniak  
Joe Dombrowski, White Collar President  
Dawn Whalen, Personnel  
File

July 7, 2021

**NEW BUSINESS:**

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

1. Quaker Crossing Plaza, located on the north side of Milestrip Road, Zoned B-1. Gerald Buchheit is seeking to construct a 31,000-sq.ft. Outparcel Building at the North West side of the plaza. (Town Board granted a Special Exception Use Permit on 4/15/2020.)
2. Quaker Crossing Plaza, located on the north side of Milestrip Road, Zoned B-1. Gerald Buchheit is seeking a Special Exception Use permit to convert the former Northwest Bank site to an Urgent Care Facility.

PB #18-21



**QUAKER  
CROSSING, LLC**

3275 N. Benzing Rd.  
Orchard Park, NY 14127  
(716) 823-7704 Fax: (716) 826-2085

RECEIVED

JUN 22 2021

PLANNING BOARD  
TOWN OF ORCHARD PARK

June 22, 2021

Remy Orffeo  
Town of Orchard Park  
S Buffalo Street  
Orchard Park, NY 14127

RE: Quaker Crossing Out-lot

Dear Sir:

Please accept our request to go before the planning board for a concept review of an out-lot building in the Quaker Crossing parking lot at the outer edge of the Regal Cinemas parking areas.

We request your consideration for 31,000 sf out-lot building which I will describe further at our concept review meeting.

We request you put us on the planning agenda your earliest availability. Thank you, in advance, for your consideration.

See attached diagram.

Sincerely yours,

QUAKER CROSSING, LLC

*Gerald A. Buchheit, Jr.*

Gerald A. Buchheit, Jr.  
General Manager

GAB:smm  
Attachment



3275 N. Benzing Rd.  
Orchard Park, NY 14127  
(716) 823-7704 Fax: (716) 826-2085

June 29, 2021

Mr. Remy Orffeo  
Acting Planning Coordinator  
Town of Orchard Park  
4295 South Buffalo Road  
Orchard Park, NY 14127

RE: 3488 Amelia Drive

Dear Sir:

Please accept our request to be put on the planning agenda for a special exception use request for the property at Quaker Crossing mentioned above.

A parking area is to be used for a revised building formerly Northwest Bank to be converted to a 5,000 sf Urgent Care facility. As you may recall this quadrant of property formerly had two restaurants, one of which has been eliminated and now is a Verizon store requiring less parking than that of the former Kelsey's restaurant.

As shown in the diagram, we request to increase the square footage of the building formerly in an area where a bank drive-in was located, increasing the square footage from 3,600 sf to 5,000 sf. We are enclosing a \$50 (fifty dollar) application fee for hearing the item. Our revised site plan will be submitted later this afternoon via email.

Thank you, in advance, for your consideration in putting us on your agenda at the earliest possible date.

Sincerely yours,

*Quaker Crossing, LLC*

A handwritten signature in black ink, appearing to read "Gerald A. Buchheit, Jr.", written in a cursive style.

Gerald A. Buchheit, Jr.  
General Manager

Emailed and hand delivered with check  
cc. G. Blum  
C. Calorico

## NOTICE OF PUBLIC HEARING

NOTICE OF A PUBLIC HEARING FOR THE MARILLA AGRICULTURAL DISTRICT NO. 5, THE WALES AGRICULTURAL DISTRICT NO. 12, AND THE ELMA AGRICULTURAL DISTRICT NO. 13 PURSUANT TO EIGHT-YEAR REVIEW AND CONSOLIDATION

PLEASE TAKE NOTICE, that Agricultural District No. 5, which encompasses approximately 15,187.4 acres within the County of Erie in the Town of Marilla and was originally established on December 4, 1973, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that Agricultural District No. 12, which encompasses approximately 18,466.7 acres within the County of Erie in the Towns of Wale and Aurora was originally established on November 9, 1978, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that Agricultural District No. 13, which encompasses approximately 8,932.6 acres within the County of Erie in the Towns of Elma, Aurora, and Orchard Park was originally established on June 20, 1979, pursuant to Article 25-AA of the Agriculture and Markets Law.

PLEASE TAKE FURTHER NOTICE, that under Section 303-a (1) of the Agriculture and Markets Law, the County Legislature is required to review a district eight years after its creation and every eight years thereafter.

PLEASE TAKE FURTHER NOTICE, that a comment period was held from April 7, 2021 through May 7, 2021, during which any municipality whose territory encompasses the above Agricultural District, any State Agency, or any landowner within or adjacent to the District, may propose a modification to the District.

PLEASE TAKE FURTHER NOTICE, that the following application was received for addition to District 12: 4807 Reiter Rd., SBL # 177.00-1-38, Town of Wales.

PLEASE TAKE FURTHER NOTICE, that the following application was received for addition to District 12: 12331 Strykersville Rd., SBL # 178.00-2-73, Town of Wales.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 0 Old Transit Rd., SBL# 163.00-1-1, Town of Aurora.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 0 Old Transit Rd., SBL# 154.00-5-21.2, Town of Aurora.

PLEASE TAKE FURTHER NOTICE, that the following application was received for exclusion from District 13: 90 Roycroft Pkwy., SBL# 138.01-4-24, Town of Elma.

PLEASE TAKE FURTHER NOTICE, that the modification proposed for District 5 is the consolidation of all parcels included in District 5, District 12, and District 13 into the Consolidated Central Agricultural District 5.

PLEASE TAKE FURTHER NOTICE, that on July 15, 2021 at 6:00 p.m., a Public Hearing will be held at Dard Hunter Hall Library, 40 S. Grove St., East Aurora NY, 14052 on the above modification requests, as well as recommendations of the Erie County Agricultural and Farmland Protection Board (AFPB). A copy of the AFBP's recommendations can be obtained by at [erie.gov/afpbreport](http://erie.gov/afpbreport)

Questions may be directed to Timothy German, Planner at [timothy.german@erie.gov](mailto:timothy.german@erie.gov)

Dated: Buffalo, New York, July 8, 2021  
By: Robert M. Graber  
Clerk, Erie County County Legislature