



# 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.**

December 19, 2022

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

**Re: Proposed Change Order #1  
Little Loop Football Announcers / Storage Building & Lighting Project**

Dear Board Members:

The Engineering Department is requesting your approval of a Change Order to the contract with Walter S. Johnson Building Co., Inc. for the Little Loop Football Announcer's / Storage Building & Lighting Project in the amount of \$1,207.50. If approved, this would increase the total contract amount to \$253,407.50, representing an increase of 0.4787%.

This Change Order is requested to perform additional work not covered under their contract. The additional work involves the siding and horizontal trim pieces to the announcer's booth. The plans call for a caulk joint, but the recommended construction method is to install a metal flashing in these areas. The contractor will have forest green aluminum stock bent in the shop by a subcontractor. Then the flashing will be installed in the field by the contractor at the required positions. This change order consists of \$900.00 material costs and \$307.50 labor/fee costs.

I, therefore, recommend that you approve Change Order #1 to our contract with Walter S. Johnson Building Co., Inc. for the Little Loop Football Announcer's / Storage Building & Lighting Project in the amount of an increase of \$1,207.50.

Respectfully submitted,

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

cc: Walter S. Johnson Bldg. Co., Inc.  
Remy Orffeo, Town Clerk  
Chris Wood, Carmina Wood Design  
File # 2019-006

**RESOLUTION OF THE ORCHARD PARK TOWN BOARD AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE.**

**WHEREAS**, Town of Orchard Park Pedestrian Walkability, Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools; Town of Orchard Park, Erie County, Project ID Number 5764.71 (the "Project"), is eligible for funding under Title 23 of the US Code, as amended, that calls for the apportionment of the costs of such program to be burned at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the Town of Orchard Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Project.

**NOW, THEREFORE** be it the Town of Orchard Park Town Board, duly convened does hereby

**RESOLVE**, that the Town of Orchard Park Town Board hereby approves the Project; and it is hereby further

**RESOLVED**, that the Town of Orchard Park Town Board hereby authorizes the Town of Orchard Park to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Right-of-Way Incidentals work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$380,000 is hereby appropriated from \_\_\_\_\_ and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs exceeds the amount appropriated above, the Town of Orchard Park Town Board shall convene as soon as practicable to appropriate said excess amount upon the notification by the New York State Department of Transportation thereof, and it is further

**RESOLVED**, that the Supervisor of the Town of Orchard Park is hereby authorized by the Orchard Park Town Board to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Orchard Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

**RESOLVED**, this Resolution shall take effect immediately.

**RESOLVED**, that the Town Board does hereby reappoint Colleen Brunelle to the Board of Assessment Review with a term of 10/1/2022 to 9/30/2027.

**RESOLVED**, that the Town Board is hereby authorized to schedule a public hearing on January 18, 2023 at 7:00 PM (Local time) regarding 3201 Southwestern Blvd, Chase Bank's request for a "Special Exception Use Permit" to construct a 3,500-sq.ft. Building with a Drive-Through ATM, west side of Top's Fueling Station, east side of Starbucks, located in the Tops Plaza, Zoned B-2, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to publish due notice thereof.

## **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 on the 18<sup>th</sup> day of January 2023 at 7:00 PM (local time) in the matter regarding 3201 Southwestern Blvd, Chase Bank requesting a Special Exception Use Permit to construct a 3,500-sq.ft. Building with a Drive-Through ATM, west side of Top's Fueling Station, east side of Starbucks, located in the Tops Plaza, Zoned B-2

A list of conditions and stipulations is on file in the Town Clerk's Office for on site inspection during regular business hours.

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

**Dated: December 21, 2022**

**Remy C. Orffeo**

**Town Clerk**

**RESOLVED**, that the Town Board is hereby authorized to schedule a public hearing on January 18, 2023 at 7:00 PM (Local time) regarding 3185 Orchard Park Road, Jim's Steak-Out's request for a "Special Exception Use Permit" to construct a 2,810-sq.ft. Restaurant, with a Drive-Through, located on the east side of Orchard Park Road, north of Delta Sonic (former Tabernacle Food Pantry), Zoned B-2, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to publish due notice thereof.

## **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 on the 18<sup>th</sup> day of January 2023 at 7:00 PM (local time) in the matter regarding 3185 Orchard Park Road, Jim's Steak-Out requesting a Special Exception Use Permit to construct a 2,810 sq.-ft. Restaurant Building, with a Drive-Through, located on the east side of Orchard Park Road, north of Delta Sonic (former Tabernacle Food Pantry), Zoned B-2.

A list of conditions and stipulations 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.

**Dated: December 21, 2022**

**Remy C. Orffeo**

**Town Clerk**

Award Brush Contract and Release Bid Bonds

**WHEREAS**, the Brush contract for the Town-Wide (Excluding Village) Collection, hauling and disposal of tree/brush waste for the time period of May 1, 2023 to November 15, 2023 has gone out to bid; and

**WHEREAS**, the Town received 3 bids that were opened November 3, 2022 with Quaker Maintenance Inc., being the lowest responsible bidder with a base bid for item #1 a four zone collection schedule of \$208,400.00; and

**WHEREAS**, the Town has decided to award alternate #1, Contractor to collect "Large Scale" brush and tree waste for a per pickup fee of \$700.00, the Town has decided to NOT award Alternate #2 for collection of brush and tree waste in the stadium zone; and

**WHEREAS**, the Town has reviewed all the bid documents and had an interview with Quaker Maintenance Inc. to discuss the expectation for the contract and review all necessary insurance and bonding requirements will be met.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby award the Town-Wide (Excluding Village) Collection, hauling and disposal of tree/brush waste contract to Quaker Maintenance Inc., and be it further

**RESOLVED**, that the Town Board does hereby authorize the Town Clerk to release the Bid Bonds or certified checks to all bidders upon completion of signing and executing a contract with Quaker Maintenance Inc.





# 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.**

December 20, 2021

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

**Re: C&S Companies Consultant Agreement  
Dennis Road Bridge/Culvert Replacement  
Over the South Branch of Smokes Creek**

Dear Board Members:


Consultant assistance services for the Dennis Road Bridge Replacement are needed for the Town of Orchard Park to complete the design per NYS/Federal BridgeNY Program grant requirements, NYS DOT Design Procedure Manual (DPM) and appropriate sections of the Federal Aid Policy Guide (FAPG). Three professional firms submitted qualifications that are on the approved for BridgeNY program list for Region 5.

The engineering firm of C&S Companies being involved with the NY Bridge culvert grant application process, were the selected consultant for the design services. I have met with representatives of that firm to review contract language, refined the scope per grant requirement services and discussed approach roadway reconstruction, strip property acquisition, utility relocation, and stream bank armoring for erosion control, required for this project. The Town will provide existing utility location files, drainage shed maps, assist with roadway alignment options to address stream bank erosion adjacent to the sides of Dennis and Ellicott Road, culvert alignment with the stream and Dennis / Ellicott Road. The adjacent property owner was contacted to realign Dennis Road at a more of a 90 degree angel with Ellicott Road. (See attachment agreement).

There is a Capital Account DB015 Dennis Road Culvert being setup, which per accounting, will track all project costs under Capital Project DB015, Dennis Road Culvert Replacement Project for 100% reimbursement with the BridgeNY Culvert Program.

I, therefore, recommend that you authorize the Supervisor to sign the agreement with C&S Companies, 141 Elm Street, Suite 100, Buffalo, New York, 14203, to provide professional services for the Design of the Dennis Road Culvert Replacements Project per BridgeNY Program in an amount not to exceed \$162,000.00.

Respectfully submitted,

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

Attachment

Cc: Remy Orfeo, Town Clerk  
Nicole Ruf, Drescher & Malecki, LLP

Andy Slotmani, Highway Superintendent  
Timothy Gallagher, Town Attorney

File 2022.023

\\filesrv\engineering\$\Town Projects\Dennis Road Culvert\Consultant Approval C&S -Town Board Deniss Rd.doc

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

**RESOLVED**, that the Town Board does hereby approve a \$.50 pay increase resulting in a pay rate of \$15.50 per/hour for the following part time Senior Center staff salaries effective January 1, 2022 which was included in budget code A0 7610 50104 (non-union hourly PT) – Bonnie Orlow, Robert Kostran, and Margaret Sanna.

**RESOLVED**, that the Town Board does hereby approve a \$.50 pay increase resulting in a pay rate of \$15.50 per/hour for the following part time Community Activity Center staff salaries effective January 1, 2022 which was included in budget code A0 7180 50104 (CAC non-union hourly PT) – Patrick Higgins, Ethan Wood and Lynne Graham.

**RESOLVED**, that the Town Board is hereby authorized to refer the request for a Conservation Easement by Tommaso & Beverly Briatico, for property located at 36 Wildwood Lane, to the Conservation Board for review.



# TOWN OF ORCHARD PARK

## MEMORANDUM

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

**DATE:** December 9, 2022

**TO:** Town Clerk, Remy Orffeo, Jenifer Brady, & Building Inspector Steve Bremer  
**FROM:** Rose Messina  
**SUBJECT:** Item(s) for December 21, 2022 - TB Agenda

---

**OLD BUSINESS:** Note to Town Clerk- please set a Public Hearing date for these (2) items, prior to voting.

**1. The Planning Board, at their 12/8/2022 meeting recommended the following to the Town Board:**

**With regard to 3201 Southwestern Boulevard, Chase Bank**, request for a "Special Exception Use Permit" to construct a 3,500-sq.ft. Building with a Drive-Through ATM, west side of Top's Fueling Station, east side of Star Bucks, located in the Tops Plaza, Zoned B-2, the Board recommends that the Town Board [**APPROVE**] [**DENY**] this request, based on the following:

1. This is an Unlisted SEQR action based on the previously submitted Short EAF, Parts One and Two, and a Negative Declaration is recommended.
2. Acreage fees shall be paid in accordance with Section 144 Attachment (C) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.
3. This recommendation is contingent upon the Applicant completing the project as proposed on the preliminary development plans received on 11/14/2022 and shall revert to its original zoning classification if the project is not completed per Section 144-67 of the Town Code.

**2. With regard to 3185 Orchard Park Road, Jim's Steak-Out**, request for a "Special Exception Use Permit" to construct a 2,810-sq.ft. Restaurant Building, with a Drive-Through, located on the east side of Orchard Park Road, north of Delta Sonic (former Tabernacle Food Pantry), Zoned B-2, the Board recommends that the Town Board [**APPROVE**] [**DENY**] this request, based on the following:

1. This is an Unlisted SEQR action based on the previously submitted Short EAF, Parts One and Two, and a Negative Declaration is recommended.
2. Acreage fees shall be paid in accordance with Section 144 Attachment (C) Schedule of Zoning Fees of the Town Code prior to publication of the Public Hearing Notice.
3. This recommendation is contingent upon the Applicant completing the project as proposed on the preliminary development plans received on 11/16/2022 and shall revert to its original zoning classification if the project is not completed per Section 144-67 of the Town Code.

**NEW BUSINESS:**

Please refer the following Conservation Easement request to the Conservation Board for review.

1. 36 Wildwood Lane, Tommaso & Beverly Briatico, requesting 75-Year Conservation Easement for 6-Acres.