

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 15th day of March 2023 at 7:00 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Conor Flynn	Councilmember
Scott Honer	Councilmember
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Absent Ed Leak	Director of Rec., Parks & Forestry
Wayne Bieler	Town Engineer

Supervisor Majchrzak 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 MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: March 1, 2023 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.

PUBLIC HEARING

Proposed Town Wide Stormwater Management District and Drainage District Consolidation

At 7:01PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Town Wide Stormwater Management District and Drainage District Consolidation.

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

Terry Eagan spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

Robert Bell spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

Tom Clouden spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

Donna Holt spoke in favor of the creation of the Town Wide Stormwater Management District and Drainage District Consolidation.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby close the Public Hearing for the proposed Town Wide Stormwater Management District and Drainage District Consolidation at 7:09PM.

The resolution was unanimously adopted.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

WHEREAS, the Town of Orchard Park (the "Town") has previously established twenty (20) separate, non-contiguous drainage and stormwater management districts (the "Existing Districts") organized under the New York State Town Law ("Town Law"); and

WHEREAS, the Town Board for the Town of Orchard Park (the "Board") has determined that it is in the best interest of the residents of the Town to consolidate and/or extend the Existing Districts to establish one Town-wide drainage and stormwater management district, excluding, however, properties within the Village of Orchard Park (the "Town Drainage and Stormwater Management District"); and

WHEREAS, Town Law Article 12-A authorizes the Town to establish and/or extend drainage and stormwater districts within the Town, subject to a permissive referendum as provided in Town Law Articles 7 and 12-A; and

WHEREAS, the Board retained GHD Consulting Services, Inc. ("GHD") to provide engineering and planning services to assist in consideration and adoption of the proposed Town Drainage and Stormwater Management District; and

WHEREAS, the Board and GHD have prepared a general map, plan and report dated January 11, 2023, which outlined district boundaries, estimated costs, a general plan and proposed method of operation (collectively, the "Map, Plan and Report") for the proposed Town Drainage and Stormwater District; and

WHEREAS, in accordance with Town Law Article 12-A, the Map, Plan and Report was filed with the Town Clerk of the Town of Orchard Park (the "Town Clerk") as of the 15th day of February, 2023 and made available for public view and inspection in the Office of the Town Clerk; and

WHEREAS, in accordance with Town Law Article 12-A, after reviewing the Map, Plan and Report, the Board adopted an order and entered such order into the Board minutes at a regularly scheduled Town Board meeting held on the 15th day of February, 2023 (the "Order"); and

WHEREAS, in accordance with Town Law Article 12-A, the Order contained a description of the proposed district boundaries, the improvements proposed, the maximum amount proposed to be expended for the improvements, a statement of no hook-up fees, the proposed method of financing

to be employed and the fact that the Map, Plan and Report containing such information was on file with the Town Clerk and available for public inspection in the Town Clerk's Office; and

WHEREAS, in accordance with Town Law Article 12-A, the Order directed that a public hearing would be held on the 15th Day of March, 2023 starting at 7:00 p.m. at the Orchard Park Town Hall, 4295 South Buffalo Street, Orchard Park, New York to hear all persons interested in the proposed Town Drainage and Stormwater District (the "Public Hearing"); and

WHEREAS, in accordance with Town Law Article 12-A, the Order was published in the Town's official newspaper and posted on the Town's official bulletin board on the 2nd Day of March, 2023; and

WHEREAS, the Board held the Public Hearing on the 15th of March, 2023 at which all interested persons were given an opportunity to be heard regarding the proposed Town Drainage and Stormwater District; and

WHEREAS, the Board and GHD previously caused the preparation of an Environmental Assessment Form, Part 1 (the "EAF Part 1") pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, after review of the EAF Part 1, the Board adopted a resolution at a regularly scheduled Town Board meeting held on the 1st of February, 2023 whereby the Town designated itself as Lead Agency pursuant to SEQRA and issued a Notice of Lead Agency to all involved and interested agencies with respect to the proposed establishment of the Town Drainage and Stormwater Management District; and

WHEREAS, the Board has been presented with Parts 2 and 3 of the Environmental Assessment Form (together with EAF Part 1, the "EAF") and, after review of the completed EAF, SEQRA and SEQRA's associated regulations, the Board has determined that the proposed Town Drainage and Stormwater Management District would not have a significant adverse impact on the environment, and therefore, an environmental impact statement need not be prepared, and desires to execute and issue a Notice of Determination of Non-Significance (the "Negative Declaration") with regard to the proposed Town Drainage and Stormwater Management District.

NOW, THEREFORE, THE TOWN BOARD DOES HEREBY RESOLVE AND ORDER, that (a) the proposed improvements to service the Town Drainage and Stormwater Management District are satisfactory and sufficient; (b) the notice of the Public Hearing was published and posted as required by law and is otherwise sufficient; (c) all of the property and property owners within the proposed Town Drainage and Stormwater Management District are benefited thereby; (d) all of the property and property owners benefited are included within the boundaries and limits of the proposed Town Drainage and Stormwater Management District (as more particularly described in Appendix A, attached hereto and made a part hereof); and (e) it is in the public interest to establish the Town Drainage and Stormwater Management District; and it is further

RESOLVED AND DETERMINED, that the Board hereby determines that the proposed action and establishment of the Proposed District will not have a significant adverse impact on the environment and directs that a Negative Declaration, in the EAF form (including EAF Parts 1, 2 and 3) attached hereto and made a part hereof as Appendix B, be issued and filed in accordance with the applicable provisions of law; and it is further

RESOLVED AND ORDERED, that all existing Drainage and Stormwater Districts are hereby consolidated into and shall be part of the Town Drainage and Stormwater Management District, which is hereby approved, and which District shall be designated and known as the Town Drainage and Stormwater Management District in the Town of Orchard Park, as situated outside of the Village of Orchard Park, and bounded and described as set forth in Appendix A attached hereto and made a part hereof, together with the improvements described in the Map, Plan and Report to be constructed when the funds are available; and it is further

RESOLVED AND ORDERED, that the Town Drainage and Stormwater Management District and necessary improvements described in the Order shall be financed as set forth in the Order and Plan, Map and Report; and it is further

RESOLVED and ORDERED, that the estimated cost to the typical property owner within the Town Drainage and Stormwater Management District shall be \$116.00 per Equivalent Dwelling Unit, consistent with the Order and Plan, Map and Report; and it is further

RESOLVED AND ORDERED, that, in accordance with Town Law Article 12-A, this resolution and order is subject to a permissive referendum, and should the time for filing a petition requesting that this matter be submitted to a referendum pass with no such petition having been filed, the Town Clerk is authorized and directed to file a certificate stating that fact in the Office of the Erie County Clerk and the Office of the State Comptroller; and it is further

RESOLVED, that the Town Supervisor, Town Attorney and the Town Engineer are hereby authorized to take any and all actions, execute and deliver any instrument, certificate or documents to effectuate or in furtherance of this resolution and order.

A meeting of the Town Board of Orchard Park, Erie County, New York was convened in public session pursuant to duly given notice at 4295 South Buffalo Road, Orchard Park, New York on March 15, 2023 at 7:00 p.m., local time.

The meeting was called to order by Supervisor Majchrzak and upon roll being called, the following Town Board members were:

- PRESENT: Supervisor Eugene Majchrzak
- Councilmember Conor Flynn
- Councilmember Julia Mombrea
- Councilmember Joseph Liberti
- Councilmember Scott Honer

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve Change Order #2 for contract with IPL regarding Brush Mountain 90ft. Ball Diamond Lighting.

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, the Engineering Department is requesting the Town Board’s approval for the change of work scope to the electrical contract with Industrial Power and Lighting Corp. for the Brush Mountain Park — Baseball Diamond Lights Project in the amount of \$6,650.00. If approved, this would increase the total contract amount to \$12,112.10; and

WHEREAS, Change Order #2 is requested to perform additional work not included under their original bid. The change in scope of work involves supplying and installing 17 ballasts and sockets out of the 22 total light fixtures. Due to the height of the field lights, the Town and contractor could not anticipate defective ballasts & mogul sockets on the existing light poles when this work was solicited. Change Order #2 totals \$6,650.00 for labor, materials and equipment.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve Change Order #2 to our contract with Industrial Power and Lighting Corp. for the Brush Mountain Park — Baseball Diamond Lights Project in the amount of an increase of \$6,650.00 as recommended by the Town Engineer.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve a Special Events Permit for “Kid’s Fishing Derby”

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

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for the Kids Fishing Derby to be held on Saturday June 24, 2023 from 9:00AM - 1:00PM at Green Lake, pending receipt of their Certificate of Liability. All fees have been paid.

The resolution was unanimously adopted.

New Business #2 Approve an appointment to the Maintenance Department.

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

WHEREAS, there is a vacancy for a cleaner in the Town of Orchard Park Maintenance Department, and

WHEREAS, Cody Magill has demonstrated the ability to perform the functions of a cleaner in the Maintenance Department, and

WHEREAS, the Head of the Maintenance Department Robert Benning recommends the hiring of Cody Magill as a cleaner in the Maintenance Department

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of the Head of Maintenance Robert Benning, Cody Magill is hired as a non-union cleaner in the Maintenance Department at a rate of \$15.00 per hour, not to exceed 15 hours per week effective March 13, 2023.

The resolution was unanimously adopted.

New Business #3 Approve an appointment to the Maintenance Department.

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

WHEREAS, there is a vacancy for a cleaner in the Town of Orchard Park Maintenance Department, and

WHEREAS, Emily Gasiorowski has demonstrated the ability to perform the functions of a cleaner in the Maintenance Department, and

WHEREAS, the Head of the Maintenance Department Robert Benning recommends the hiring of Emily Gasiorowski as a cleaner in the Maintenance Department.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of the Head of Maintenance Robert Benning, Emily Gasiorowski is hired as a non-union cleaner in the Maintenance Department at a rate of \$15.00 per hour, not to exceed 10 hours per week effective March 13, 2023.

The resolution was unanimously adopted.

New Business #4 Approve appointments to the Community Activities Center.

8) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER HONER, TO WIT:

RESOLVED, that the Town Board does hereby approve the appointments of Alexander Ensminger, Barbara King and Richard Nowak to the positions of part time evening and weekend receptionists at the Community Activity Center at a pay rate of \$15.00 / hour with a \$.50 / hour increase upon completion of 6 months of employment meeting performance expectations. This will take effect March 10, 2023 and will be at the Range of Group 9, non-union upon the recommendation of the Community Activity Center Coordinator.

The resolution was unanimously adopted.

New Business #5 Approve a part time clerk appointment to the Building Inspector's Office.

9) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

WHEREAS, there are vacancies for part-time clerks in the Town of Orchard Park Building Inspector's office, and

WHEREAS, Nicole Blum has demonstrated the ability and experience to perform the function of a part-time clerk in the Building Inspector's office, and

WHEREAS, the Building Inspector Tom Minor recommends the hiring of Nicole Blum effective March 13, 2023 as a part-time clerk in the Building Inspector's office.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Tom Minor, Building Inspector, Nicole Blum is hired as a nonunion part-time clerk in the Building Inspector's office at a rate of \$16.00 per hour, effective March 13, 2023. Start time and days of employment to be determined by the Building Inspector.

The resolution was unanimously adopted.

New Business #6 Approve a part time clerk appointment to the Building Inspector's Office.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

WHEREAS, there are vacancies for part-time clerks in the Town of Orchard Park Building Inspector's office, and

WHEREAS, Denise Argen has demonstrated the ability and experience to perform the function of a part-time clerk in the Building Inspector's office, and

WHEREAS, the Building Inspector Tom Minor recommends the hiring of Denise Argen effective March 20, 2023 as a part-time clerk in the Building Inspector's office

NOW, THEREFORE be it

RESOLVED that based on the recommendation of Tom Minor, Building Inspector, Denise Argen is hired as a non-union part-time clerk in the Building Inspector's office at a rate of \$16.00 per hour, effective March 20, 2023. Start time and days of employment to be determined by the Building Inspector.

The resolution was unanimously adopted.

New Business #7 Declare surplus of vehicles and equipment in the Highway Department.

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER FLYNN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Highway Superintendent to declare surplus of vehicles and equipment for 2023; and be it further

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to sell the 2023 surplus vehicles and equipment, a list of the 2023 surplus vehicles and equipment will be on file in the Town Clerk's Office.

The resolution was unanimously adopted.

New Business #8 Authorize the purchase of a 2023 Cat 308 CR Excavator

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER FLYNN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, in accordance with our replacement program, the Highway Department is looking to purchase a 2023 Cat 308 CR Excavator; and

WHEREAS, per the sales order date of February 15, 2023, this purchase is under a National Buying Alliance contract with Sourcewell Contract #PC66406; and

WHEREAS, the monies are in the budget, and the contract for the purchase will be kept on file in the Town Clerk's office.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Highway Department to purchase a 2023 Cat 308 CR Excavator upon the recommendation of the Highway Superintendent.

The resolution was unanimously adopted.

New Business #9 Authorize the Supervisor to sign agreement with OPSD for the Federal Aid Highway Local Project, OP Pedestrian Walkability and Authorize the Supervisor to execute contract items for the Federal Aid Highway Local Project Agreement with the NYSDOT for the Orchard Park Pedestrian Walkability PIN 5764.71, Contract #D040776

13) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

WHEREAS, the State of New York Department of Transportation has officially approved the Town's Project Application for the Safe Routes to Schools Sidewalk & Crosswalk Project for Preliminary Engineering Design and ROW Incidentals; and

WHEREAS, the Town of Orchard Park Pedestrian Walkability; Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools Project is estimated at \$2,000,000. The Federal share will equal \$1,600,000 (80%) and the Local share is \$400,000 (20%). The Grant requires the Town, by means of resolution, commit to administer and pay 100% of the costs for preliminary engineering and right-of-way incidentals equaling \$380,000. As the project progresses, the Federal share 80% of the cost of the subject projects preliminary engineering and right-of-way incidental phases, which currently equals \$304,000, will be reimbursed; and

WHEREAS, the OPSC has worked with the Town Attorney and will sign the agreement for their portion of the project that falls on the Orchard Park School District property (+/- \$200,000).

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Supervisor and Town Attorney to execute (all necessary) contract items for the Federal Aid Highway Local Project Agreement with New York State Department of Transportation for the Town of Orchard Park Pedestrian Walkability; Construction of Sidewalks and Crosswalks to Improve Safe Routes to Schools Project; and be it further

RESOLVED, that the Town Board does hereby authorize the Town of Orchard Park to pay in the first instance 100% of the Federal shares of the cost of the preliminary engineering (design I-VI) and right-of-way incidentals phases (\$380,000). If these items exceed \$380,000, the Town will convene its Board to appropriate the excess amount immediately upon notification by the NYSDOT as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #10 Accept and approve the Orchard Park Highway Master plan prepared by C & S Engineers.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

WHEREAS, C&S Companies was solicited and hired to develop a master planning document for the future development of the current Orchard Park Highway Facility located on South Taylor Road; and

WHEREAS, C&S Companies worked directly with the Highway Superintendent, Engineering Department and Town Supervisor to create a plan for all integral parts of a fully functioning Highway Department complex. The plan also accounts for the Special Districts, Parks & Grounds, Police storage, salt storage and a multicomponent fuel facility; and

WHEREAS, the document prepared by C&S identifies current conditions and proposes four (4) projects that would meet the Town's needs, with room for future growth. The four projects in the plan are as follows: Project 1 — Highway Garage (admin., repair, storage, etc.), Project 2 — Fuel Facility (covered dispensary for diesel & gas), Project 3 — Salt Barn & Topsoil Bldgs. (material storage), and Project 4 — Storage Bldg., Wash Bay, Storage Bins; and

WHEREAS, C&S is currently under contract for the design/bidding of Project #2 - the Fuel Facility. This design work will start back up as the new location has been identified that works with the master plan and funding has been allocated for design. The existing underground fuel tanks are an environmental concern and becoming an insurance coverage issue. C&S is currently developing the scope contract for Project #3 — the Salt/Topsoil Barn. Their original structural inspection contract for this structure was paused and the funds will be transferred to a replacement design/bidding contract; and

WHEREAS, C&S Companies finalized the "Town of Orchard Park Highway Facility Master Plan & Estimate" on March 3, 2023. The document was reviewed by involved parties and then emailed to the Town Board for review and comment. Final layout design copies were given out on March 1, 2023 at the Town Board Work Session. With the approval of the master plan, the Town can start the (RFQ) process for Project 1. With an actual design completed, better construction estimates can be developed.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby accept and adopt the "Town of Orchard Park Highway Facility Master Plan" prepared by C&S Companies, 499 Col. Eileen Collins Blvd., Syracuse, New York 13212 on March 3rd 2023; and be it further

RESOLVED, that the Town Board does hereby authorize the Request for Qualification (RFQ) for the design of Project 1, OP Highway Admin. Bldg. upon the recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #11 Authorize advertisement for Abandoned Milestrip Road Water Tank Demolition Project.

15) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, the Orchard Park Engineering Department, as directed, is finalizing plans, specifications, and bid documents for the demolition of the abandoned Milestrip Road water tank. Plans and specifications for the Milestrip Road Abandoned Water Tank Demolition Project, prepared by the Town of Orchard Park Engineering Department, are available for review in the Engineering Department Office; and

WHEREAS, the work will entail the demolition and removal of the existing water tank, underground utility vault, abandon water mains and valves, and all concrete foundations and appurtenances. Bid documents will be available March 28, 2023.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize advertisement in the Orchard Park Bee for sealed bids for the Milestrip Road Abandoned Water Tank Demolition Project to be opened on April 27, 2023 at 1:00pm at the Orchard Park Municipal Center, Basement Meeting Room upon recommendation of the Town Engineer.

The resolution was unanimously adopted.

New Business #12 Grant Site Plan approval & Building Permit for Jim’s Steak-Out.

16) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER FLYNN, TO WIT:

WHEREAS, Jim’s Steak-Out, located at 3185 Orchard Park Road (SBL# 152.16-4-14), petitioned for Site Plan approval and a Building Permit to construct a 2,810 sq. ft. building with a Drive-Thru; and

WHEREAS, this request was referred by the Planning Board on October 28, 2022.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby grant Site Plan approval and authorize the issuance of a Building Permit to construct a 2,810 sq. ft. building with a Drive-Thru, per the plans received on March 9, 2023, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 7/29/22, and a Negative Declaration is made.
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. An updated Landscape Plan, received 10/28/22, was approved by the Conservation Board with .13 Acres Green Space. In accordance with Section 144-44(C)(1)(a)(2), a Certified Check amounting to 50% of the \$22,705 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$11,352.50) Conservation Board approval was granted on 12/6/2022.
6. Any future dumpsters shall be screened, in accordance with Section 144-25(C) of the Town Code.
7. The Applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
8. On 1/18/23 The Town Board granted a Special Exception Use permit for a Drive-Thru at this restaurant building based on its limited use, “waiting” parking slots, and low impact on current traffic patterns.
9. Town Engineering Approval was granted on 3/2/2023.

The resolution was unanimously adopted.

New Business #13 Grant Site Plan approval & Building Permit for Chase Bank

17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER HONER, TO WIT:

WHEREAS, Chase Bank, Vacant Out-Parcel property, west of Top’s Fueling Station, east side of Star Buck’s, located in the Tops Plaza, 3201 Southwestern Boulevard, Zoned B-2, (SBL #152.16-7-1.1) petitioned

for Site Plan approval and a Building Permit to construct a 3,500-sq.ft. Building with a Drive-Thru ATM; and

WHEREAS, this request was referred by the Planning Board on March 7, 2023.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby grant Site Plan approval and authorize the issuance of a Building Permit to construct a 3,500-sq.ft. Building with a Drive-Thru ATM, per the plans received on March 9, 2023, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 11/14/22, and a Negative Declaration is made.
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. An updated Landscape Plan, received 11/14/22, was approved by the Conservation Board with .27 Acres Green Space. In accordance with Section 144-44(C)(1)(a)(2), a Certified Check amounting to 50% of the \$39,600 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$19,800). Conservation Board approval was granted on 12/6/2022.
6. Any future dumpsters shall be screened, in accordance with Section 144-25(C) of the Town Code.
7. The Applicant is to provide the Town of Orchard Park Assessor with an “independent” appraisal for the completed project by a Certified Commercial Appraiser
8. On 1/18/23 The Town Board granted a Special Exception Use permit for a Drive-Thru ATM at this building based on its limited use and low impact on current traffic patterns.
9. Town Engineering Approval was granted on 3/8/2023.

The resolution was unanimously adopted.

New Business #14 Grant Site Plan approval & Building Permit for V/L Big Tree Road

18) This item was tabled.

New Business #15 Refer to the Planning and Conservation Boards.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

- 3507-3519 North Buffalo Road, located on the southeast corner of North Buffalo Street and Milestrip Road, Zoned B-3. Applicant is proposing to construct an 11,544 +/- Sq. ft. Medical Office Building with parking and site improvements. (SBL# 161.08-2-1 & 161.08-2-21.1)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tom Pieczynski spoke of the many activities offered at the Community Activity Center and how hard the employees work. He also inquired about the broken fire hydrant on Jewett Holmwood Road.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Supervisor Eugene Majchrzak spoke of the Murphy Rd. Project and the repair of the fire hydrant on Jewett Holmwood Rd.

Councilmember Joseph Liberti spoke of the Murphy Rd. Project. He also spoke of the Economic Development Committee regarding the stadium and development of property across from the Target Plaza.

Councilmember Conor Flynn spoke of the School Sidewalk Project and thanked the Town Attorney and the Town Engineer for their assistance.

Town Clerk Remy Orffeo spoke of the Murphy Road Project, he also thanked Jennifer Brady for her assistance with the Town Wide Stormwater Management District and Drainage District Consolidation.

Town Engineer Wayne Bieler stated the Eaglebrook drainage problem will be addressed.

Highway Superintendent Andrew Slotman thanked the Town Board and Engineering Dept. for their help with the Townwide Drainage consolidation.

20) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, 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	\$82,383.04
Public Safety Fund	\$3,397.57
Part Town Fund	\$905.97
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$60,899.62
Special Districts	\$4,645.88
Trust & Agency	\$300.00
Capital Fund	\$5,023.00

The resolution was unanimously adopted.

REPORTS

21) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER FLYNN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

RESOLVED, that the Town Board does hereby received and file the January 2023 Building Inspector’s Monthly Report.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 7:42 pm (local time).

Respectfully Submitted,

Remy C. Orffeo

Town Clerk