



# 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.**

August 14, 2023

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

**RE: Release of Escrow - Final Fine Grading and Seeding in ROW and Areas  
Birdsong Part 3B Subdivision Phase 1 & Phase 2A; PIP #2021-02**

Dear Board Members:

On November 16, 2022, the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until fine grading of topsoil, seeding and mulching along all new ROW's and in all areas of disturbance within the Town right-of-way was completed.

The developer has since installed the required landscaping along all Right-Of-Ways. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

I, therefore, recommend that you authorize the Town Clerk to release the \$10,000 held in escrow under PIP #2021-02 Birdsong Part 3B Subdivision Phase 1 & Phase 2A for fine grading of topsoil, seeding and mulching along all new ROW's and in all areas of disturbance to Forbes Homes, Inc., 470 Cayuga Road, Cheektowaga, New York.

Respectfully submitted,

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

Cc: Remy Orfeo, Town Clerk  
File #1994-008.95

Andy Slotman, OP Highway Superintendent



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

August 15, 2023

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

**Re: *Birdsong Subdivision – Part 3B Part 1& 2A***  
***P.I.P. #2021-02***  
***Connection of Decorative Light Fixtures – NYSEG Prices***

Dear Board Members:

Per the tariff agreement between NYSEG and the Town, NYSEG has requested the Town submit a resolution reflecting the connection of fourteen (14) decorative street light fixtures in the new Part 3B of the Birdsong Subdivision. At present, there are twenty eight (28) single-family homes currently planned to be constructed in this Subdivision.

The LED luminaires, which are owned by the Town, have been installed under PIP # 2021-02. The Town will maintain the poles, bulbs, and the electric eye of the luminaires and NYSEG will provide the energy only per the SC4 classification. The Town purchases the electricity from the supplier, which is *estimated* to be \$42.03/ea. for an annual estimated cost of \$588.42 for these fourteen decorative light poles. The attached application will add the new LED lights to our existing SC4 (service classification) account. Charges for energy to the lights may vary due to the electricity pricing trends from summer and winter month rate fluctuation.

I, therefore, recommend that you authorize NYSEG to connect fourteen (14) LED decorative light fixtures in the Birdsong Subdivision Part 3B Part 1& 2A under PIP #2021-02 at an estimated annual increased energy cost of \$588.42 to the Consolidated Light District in accordance with the attached NYSEG proposal.

Respectfully submitted,

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

Attachments

Cc: Remy Orfeo, Town Clerk      Andy Slotman, Highway Superintendent  
File # 1994.008.95                  Tricia Jurek, Town Orchard Park Accounting

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

**Additional Instructions and Information**

- 1) The municipality shall be responsible for all engineering, design, construction, mapping, maintenance, and record keeping of its facilities. Upon initially requesting a service connection, the municipality shall submit a map or detailed drawing of the geographical area to be lighted.
- 2) The municipality shall promptly notify the NYSEG of all subsequent fixture installations, removals, or replacements on an existing service connection. Notification for a replacement of a fixture in kind is not required.
- 3) Applicable to use of service for lighting of public streets, highways, roadways or other outdoor lighting for duly constituted public agencies, public authorities and public corporations.
- 4) The municipality may install lamps burning dusk-to-dawn only under this service classification.
- 5) The municipality shall identify lamp-fixtures in accordance with the latest NEMA Standards for high intensity discharge lamps and luminaires.
- 6) The municipality shall comply with all applicable codes and regulations--including the National Electric Safety Code.
- 7) The municipality shall label all poles with SC-4 using the designatin EO \_\_\_\_\_, with the blanks being the 4 digit town code as assigned by NYSEG.
- 8) NYSEG will permit the municipality to attach its street lighting fixtures to existing wood poles along public property. Monthly pole attachment charge applies for each municipally owned mast arm or pole bracket supporting one or more luminaires. If a wood pole is jointly owned, the consent of the other joint owner is not required by NYSEG. If consent is required by the joint owner, then it may be acquired by the municipality without cost to NYSEG.
- 9) Where it is necessary for NYSEG to extend its distribution facilities to service connection point location(s), NYSEG shall bill the municipality costs and expenses.
- 10) The municipality shall provide access to lighting by means of a field investigation, to verify ballast compliance, lamp sizes, types, and numbers.
- 11) The municipality shall pay for each electrical point of connection of its overhead or underground facilities to NYSEG's overhead or underground facilities.
- 12) At times, NYSEG or a joint-owner may be determine, or be required to, relocate or replace its facilities. If the municipality's street lighting is making use of these same facilities, the municipality shall relocate or replace its street lighting, or transfer to substituted poles, or perform any other work required by NYSEG or joint-owner.
- 13) In cases of emergency, NYSEG or joint-owner may relocate, replace, remove or transfer the municipality's street lighting. The municipality shall reimburse NYSEG or joint-owner for the costs and expenses incurred.

TC

**Resolution for Closure of Capital Projects and Transfer of Capital Projects  
Funding — 2023**

**WHEREAS**, certain capital projects are complete and can be closed; and

**WHEREAS**, certain projects are in need of funding that is available in other projects; and

**WHEREAS**, the Town has reviewed the source of funds within each project and determined that the funds can be transferred projects as described.

**NOW, THEREFORE** be it

**RESOLVED**, that the Town Board does hereby authorize the closure of the following capital projects and transfers of funding as of August 1, 2023:

*Close AB013 HW, SWL, Parks Generator Install with balance of \$7,887.61 and AB007 OP municipal buildings with a negative balance of \$5,792.38 by transferring \$5,792.38 from AB013 to AB007 and remaining \$2,095.23 to ABOO1 unallocated general buildings projects.*

*Close G0004 Hazel Court \$1,277.63 to G0001 Unallocated Sanitary Sewer Projects*

*Close AP012 Drainage District Consolidation \$75,062.47 to AP011 Playgrounds to cover deficit of (\$9,929.38) and remaining \$65,133.09 to AP001 Unallocated parks projects*

**RESOLVED**, that the Town Board does hereby approve the Special Event Permit request for the Red Shirt 5K Run/Walk to be held on Friday September 22, 2023 from 6:00PM-10:00PM.

**Town of Orchard Park**  
**Recreation, Parks, and Forestry Department**  
 4520 California Rd  
 Orchard Park NY 14127  
[leake@orchardparkny.org](mailto:leake@orchardparkny.org) (716) 662-6450 ext.1

8/16/23

To: Town Board

From: Ed Leak

Director of Recreation

**Item 1:** Appt. to the staff of the Town of Orchard Park Recreation Department PT for 2023 effective 8/19/23

- Jessica Arnold        \$20.00 Special Programs Supervisor
- Dillen Blidy         \$16.00 Program Coordinator 1
- Jacob Domzalski     \$16.00 Program Coordinator 1
- Michael Girolamo    \$16.00 Program Coordinator 1
- Delaney Francavilla \$16.00 Program Coordinator 1
- Kamryn Foley        \$16.00 Program Coordinator 1
- Megan Gralke        \$16.00 Program Coordinator 1
- Julia Tills            \$16.00 Program Coordinator 1
- Mi'Liyah Wideman    \$16.00 Program Coordinator 1

Note: The above appointment is dependent upon the applicant providing the required certifications.

\*Att=Attendant

\*LG= Lifeguard

Recreation Director: Ed Leak

Assistant Recreation Director: Kristin Santillo



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August 14, 2023: [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
WAYNE L. BIELER, P.E.

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

**Re: Chestnut Ridge Waterline Replacement Project  
Bid Award**

Dear Board Members:

Bids were opened for the Chestnut Ridge Waterline replacement on August 11, 2023 as requested by ECWA. The project consists of total replacement of existing watermain, restoration of pavement for approximately 1700 LF and restoration of adjacent disturbed lawn areas.

The project was bid on a unit price basis for the associated waterline and road restoration work items. The Engineering Department has reviewed those itemized prices of the three contractors who submitted bids. The Project also included four Alternates for supply/type of pipe options. This department performed a review of the three bids submitted, and compared them against the Engineer's estimate of \$798,403.20. The lowest responsible bid submitted for the base bid is \$797,600.00.

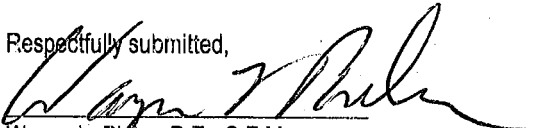
Attached is an extended tabulation of bid results showing the itemized bid amounts from each bidder. Contractor submissions were checked for math errors. Several errors were found on DJM Contracting, Inc. DJM Contracting, Inc. had math errors for one bid item costs, as well as, leaving multiple bid items blank on their bid form including a required \$75,000.00 contingency. Per the Town Attorney, the errors make their bid incomplete and not eligible for the award. The lowest responsible bidder was 716 Site Contracting, Inc. for \$797,600.00 with no math errors in their bid.

There is presently approximately \$878,632 plus interest allocated under Capital Projects, FX002 Chestnut Ridge Waterline for this project.

716 Site Contracting, Inc. has successfully completed various sewer, water, and road reconstruction projects in the past. The contractor provided three letters of recommendation on watermain experience and all included very positive comments. 716 Site Contracting, Inc. also submitted a list of references which all gave positive recommendations.

I, therefore, recommend that you award the contract for the Chestnut Ridge Waterline Replacement Project to the lowest responsible bidder, 716 Site Contracting, Inc., PO Box 120, North Boston, NY 14110 in the amount not to exceed \$797,600.00 (Base Bid only).

Respectfully submitted,

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

Attachment

cc: Remy Orfeo, Town Clerk  
716 Site Contracting, Inc.  
ECWA

Timothy Gallagher, Town Attorney  
File #2012.013



# TOWN OF ORCHARD PARK

TC

## MEMORANDUM

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

**DATE:** August 16, 2023

**TO:** Town Clerk, Remy Orffeo  
Jenifer Brady  
Building Inspector Tom Minor

**FROM:** Rose Messina

**SUBJECT:** Item(s) for August 16, 2023 - TB Agenda - **UPDATED #1, UPDATE #2**

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**OLD BUSINESS:** The Planning Board at their 8/10/2023 meeting recommended the following:

**1. With regard to "275 Thorn Avenue LLC", located at 273 Thorn Avenue, south side of Thorn Avenue, east of Duerr Road, Zoned B-2,** the Planning Board recommends that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit to construct a 10,000-square foot new Building, per the plan received on May 26, 2023, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is a Type 1 SEQR Action, based on the Short EAF and a Negative Declaration was made on 8/10/2023.
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. A Landscape Plan, received, 11/01/2022 meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$15,255 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$7,627.50) Conservation Board approval was granted on 11/1/2022.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 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. As a condition of approval, the Applicant is required to provide proof that a fuel tank is not present on the site, or if there was, or is a fuel tank on the site, the site has been remediated to NYS DEC standards. (Submission of a Phase 1 NYS Feasibility Study)
9. Engineering Approval was granted on 8/2/2023.

**2. With regard to "Timbar Properties LLC", 2881 Southwestern Boulevard, located on the south side of Southwestern Boulevard, west of Angle Road, 3.69-Acres, Zoned B-3 & R-3,** the Planning Board recommends that the Town Board **Approve** the requested Rezoning from R-3, to B-3, based on the following conditions and stipulations:

**NOTE: PLEASE SET A PUBLIC HEARING FOR SEPTEMBER 6<sup>TH</sup> FOR THIS REZONING REQUEST.**

1. All public notices have been filed.

Continued on page two (attached).



2. This is an Unlisted SEQR action based on the submitted Short EAF, Parts One and Two, and a Negative Declaration is recommended.
3. Fees shall be paid in accordance with Section 144-70C, of the Town Code prior to publication of the Public Hearing Notice.
4. The recommendation is contingent upon the Applicant completing the project as proposed on the preliminary development plans, and shall revert to its original Zoning Classification if the project is not completed per Section 144-67 of the Town Code.
5. The rezoning is supported by the Orchard Park Economic Development Committee.
6. The Town Comprehensive Plan, as originally adopted on September 19, 2007 (and with subsequent revisions), has a goal to "encourage the expansion of Business and Industrial uses such as light manufacturing, and other non-polluting industries in locations proximate to necessary transportation, water, and sewer infrastructure".
7. The Town of Orchard Park, with less than 5% of its land mass zoned Industrial is under-served in the amount of currently Zoned Industrial land.
8. The Rezoning will create a single Zoning Classification for the entire parcel.

**NOW THEREFORE**, under the authority of the Town of Orchard Park Ordinances Sections 144-66 through 144-69, be it

**RESOLVED**, that;

- 1) Notice to adjoining landowners be sent as required by Section 144-67 concerning the proposed rezoning, and
- 2) A hearing to consider said rezoning be scheduled for Wednesday September 6, 2023 at 7:00 PM in the Municipal Center, 4295 South Buffalo Street.

**3. With regards to "Royal Car Wash", V/L located at northeast corner of Milestrip & Abbott Roads, Zoned B-1**, the Planning Board recommends that the Town Board **APPROVE** the presented Site Plan and **AUTHORIZE** a Building Permit to construct a 4,096-Sq. Ft. Car Wash Facility, per the plan received on May 24, 2023, based on the following conditions and stipulations:

1. All public notices have been filed.
2. The Town Board granted a "Special Exception Use" permit for this project on 7/19/2023.
3. This is a Type 1 SEQR Action, based on the Short EAF and a Negative Declaration was made on 8/10/2023.
4. 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.
5. No outside storage or display is permitted.
6. An updated Landscape Plan, received, 1/19/2023 meets all Green Space regulations. In accordance with Section 144-44(c)(1)(a)(2), a Certified Check amounting to 50% of the \$27,775 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$13,887.50) Conservation Board approval was granted on 2/7/2023 with the following stipulations:

Continued on page three (attached).

Approval is conditioned upon;

- modifying the plan with the required Green Space calculations on it,
  - adding pine trees to create additional buffering for the adjacent resident on the north side,
  - and, resubmitting the updated Landscape Plan and Landscaping Estimation Form to the Planning Department by September 5, 2023.
7. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
  8. The Applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser.
  9. Engineering Approval was granted on 8/10/2023.

**NEW BUSINESS:**

Please refer to Planning and Conservation Boards the following request:

1. One Fox Run Lane, Orchard Park CCRC, Inc. d/b/a Fox Run at Orchard Park is proposing an expansion of their existing campus.