

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 27th day of April 2011 at 7:00 PM, the meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Janis Colarusso	Supervisor	
	David Kaczor	Councilmember	
	Eugene Majchrzak	Councilmember	
	Carol Hutton	Town Clerk	
	Leonard Berkowitz	Town Attorney	
	Andrew Geist	Building Inspector	
	Wayne Bieler	Town Engineer	
	Andrew Benz	Chief of Police	
	ABSENT:	Nancy Ackerman	Councilmember
		Edward Graber	Councilmember
Frederick Piasecki, Jr.		Highway Superintendent	

Supervisor Colarusso 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 COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Regular Town Board Meeting held on February 23, 2011, the Special Session Meetings held on March 2 & 9, 2011 and an Executive Meeting held on March 16, 2011 as presented by the Town Clerk are hereby approved, 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.

A special public informational meeting will be held on May 18, 2011 at 6:00 pm at the Town of Orchard Park Municipal Building, (Board Court Room) S4295 South Buffalo Street, Orchard Park, NY regarding "What is Hydrofracking." The purpose of this meeting is to provide an opportunity for citizens to hear from a panel of experts in this field.

Old Business #1 Schedule Public Hearing Rezoning Request for Orchard Grove Senior Apts.

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

WHEREAS, the Town Board did schedule a Public Hearing for Bryan Young, Young Development, an application to rezone property on California Rd from R-4 to R-4 with a Senior Residential designation (Orchard Glen Senior Apartments) for April 27, 2011, and

WHEREAS, Young Development has changed the size of the parcel for this project, and new metes and bounds will be required, so therefore the Public Hearing can not be held this evening.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby reschedule the Public Hearing for Bryan Young, Young Development, request to rezone vacant land located on the west side of California Rd (SBL# 161.18-1-13) from R-4 to R-4 with a Senior Residential designation, for May 25, 2011.

The resolution was unanimously adopted.

Old Business #2 3098 Orchard Park Rd., Approve request by CVS for a Building Permit

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

WHEREAS, Zaremaba Group has petitioned the Town for a Building Permit to construct a CVS, at 3098 Orchard Park Rd, the former site of La-Z-y Boy Furniture Galleries, located on the west side of Orchard Park

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the requested Building Permit and approve the Site Plan received 2/14/11, for the construction of a 13,600 sq.ft. CVS Pharmacy with a drive-through and customer parking based on the following conditions and stipulations:

- This is an unlisted SEQR action based on the submitted Long EAF, Parts one and Two and a Negative Declaration is made.
- The site lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lens.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with §144-25 of the Town Code.
- Town Engineering Approval was granted on 4/07/11.
- The Zoning Board of Appeals granted a Variance for Front Yard Parking on 10/19/10.
- The Planning Board recommends approval of reduced parking at this site from the 74-required space to 60 spaces proposed by the applicant. Special consideration in the Planning Board's experience and their observations with other drug stores in the area gives the Board a level of comfort that 60 spaces will be adequate along with the parking study filed by the petitioner.
- The southerly driveway shall be designed and constructed to prohibit cars from making an exiting left turn. In this design, a half pork chop mountable curb island will be constructed on the site as approved by the NYSDOT as a part of the site's NYSDOT Highway Work Permit plans. The Applicant shall provide copies of the final approved NYSDOT Highway Work Permit plans and associated approval paperwork as a part of the Building Permit package.
- A three-year landscape completion bond in the amount of \$26,190 shall be provided for the landscape plan received 11/05/10 which includes 21.5% total green space, prior to the receipt of a Building Permit.

The resolution was unanimously adopted.

Old Business # 3 Adopt Local Law 2011-1, Changes to the Town Code of Ordinances

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

WHEREAS, this Town Board has conducted a public hearing with regard to various changes to the Town Ordinances on February 23, 2011, and

WHEREAS, this Town Board has made various technical and grammatical corrections to the Ordinances that were published, but do not change the intent of such ordinances, and

WHEREAS, notice, pursuant to §239m of the General Municipal Law was provided to the Erie County Department of Planning, and the Erie County Department of Planning responded, indicating no objection to the passing of these ordinances, and

WHEREAS, the Towns adjacent to the Town of Orchard Park have been provided notice of the proposed amendments to the Zoning Ordinance, and

WHEREAS, this Town Board has reviewed an Environmental Assessment Form prepared at the direction of the Town Board and has taken a hard look at the environmental impact of these Ordinances, and

WHEREAS, this Town Board has reviewed an Environmental Assessment Form prepared at the direction of the Town Board and has taken a hard look at the environmental impact of these Ordinances, and

WHEREAS, this Town Board makes a finding that the adoption of these ordinances will not have a significant impact on the environment, and

WHEREAS, that the proposed Ordinance eliminating the DR Zone (Development and Research) is rejected by this Town Board so that the DR Zone continues to exist as a provision of the Ordinances of the Town of Orchard Park

NOW, THEREFORE, be it

RESOLVED, that the various Town Ordinances as published on the 10th day of February 2011, and as modified be adopted and read as follows:

Planning Board, Zoning Board of Appeals and Conservation Board Alternate members

§ 2-2(A) IS HEREBY REPEALED AND REPLACED BY THE AMENDMENT SET-FORTH BELOW.

A. In the event that a Planning Board member is absent for any reason, an alternate member is hereby authorized to take the place of an absent Planning Board member.

Town of Orchard Park Historic Preservation Board

§ 74-5(B) IS HEREBY REPEALED AND REPLACED BY THE AMENDMENT SET-FORTH BELOW.

Membership. The Preservation Board shall consist of nine members who shall be appointed by the Town Board. Persons whose primary residence is within the Town of Orchard Park shall be eligible for

appointment by the Board, unless an individual with the qualifications set forth in §74-5C below is not available in the Town of Orchard Park. All members shall serve terms of four years. Their successors shall be appointed for a term of four years from and after the expiration of their predecessors in office. If any Historic Preservation Board member resigns or otherwise cannot fulfill his or her term of office, the Town Board shall appoint an interim member to serve the remainder of the term.

Size and Display of Numbers

§ 90-4A. IS HEREBY REPEALED AND REPLACED BY THE AMENDMENT SET-FORTH BELOW.

The figure or figures comprising the number to be displayed on a building shall be at least 4 inches in height with a minimum stroke width of .5 inches. They shall be placed on the front of said building in a prominent and conspicuous place and in such matter as to be plainly legible from the center of the street at all times between sunrise and sunset. The color of such figures shall be in sharp contrast to the color of their background.

CHAPTER 112: SEWERS

THE FOLLOWING SECTIONS ARE HEREBY REPEALED AND REPLACED BY THE AMENDMENTS SET-FORTH BELOW.

§ 112-1. Definitions.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal. It is part of the district sewage works from the ROW/Easement to the public sewer.

TOWN ENGINEER

The Town Engineer of the Town of Orchard Park.

§ 112-5. Approval required prior to connection.

No connection shall be made to a district sewer until the application to connect is approved and the building sewer and proposed connection are approved by the Town Engineer. Any person seeking to connect to a district sewer shall notify the Town Engineer when the building is ready for inspection. Such notification shall be made to the Town Engineering Department and the County District a minimum of 48 hours prior to the inspection.

§112-6. Connection Charges.

Each new home, industry or commercial unit constructed after the effective date of this chapter shall pay a connection charge to the Town of Orchard Park as indicated in §144a - Schedule of Zoning Fees and a connection charge in an additional amount established by the County Board of Supervisors.

§ 112-8. Waiver of connection charges - (This Section is repealed and reserved).

§ 112-9. Readiness-to-serve charge.

Each home shall pay an annual readiness-to-serve charge to the Town district in an amount of \$20.00 and an additional readiness-to-serve charge to the county district, to be established by the Board of Managers following a public hearing. These charges shall be included as part of the annual assessment roll.

§ 112-12. Building sewer connection to manhole prohibited.

No building sewer shall be connected to any manhole.

§112-18. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Town Engineer, to meet all requirements of this chapter. Connection charges shall be the same as a new connection as set-forth in §144a - Schedule of Zoning Fees to cover the cost of the inspections.

§ 112-20. Construction requirements specified.

A. The building sewer shall be:

- (1) Cast iron pipe material shall be extra heavy cast iron meeting the requirements of ASTM A74-42.
- (2) PVC pipe material manufactured in accordance with the latest ASTM Specification D-3033/D-3034. All pipe shall be SDR-35 or thicker wall and the PVC compound shall meet the requirements of the latest ASTM Specification D-1784. Pipe in compliance with these standards shall be clearly marked with the pipe size (nominal), cell classification, SDR Number, PVC Sewer Pipe and ASTM Designation.
- (3) Pipe shall be a minimum of 6" for building sewers from the point of connection to the public sewer to the cleanout at the ROW/Easement on the near side. Building sewers shall be a minimum of 4" diameter from the cleanout at the ROW/Easement to the point of connection with the building drain. All building sewers other than single family homes or duplexes shall be a minimum of 6" diameter.

(Paragraphs 4 and 5 eliminated)

B. Variations. Variations may be made in the requirements specified in Subsection A in special circumstances if approved by the Town Engineer in writing. Any variance in sewer sizes must be approved by the Town Engineer.

C. ASTM tests. ASTM tests on all sewer pipes must be performed in the United States.

§ 112-21. Slope of sewer.

The slope of the sewers described in §112-20 shall be 1/4 inch per foot unless special permission is obtained by the Town Engineer, but in no case is a slope less than 1/8 inch per foot acceptable.

§ 112-22. Depth of sewer.

The building sewer shall be brought to the building at a depth sufficient to afford protection from frost. Such depth shall a minimum of 4 feet from the top of the building sewer pipe to the finished ground elevation.

§ 112-24. Changes in direction.

Cleanouts are required for all changes in direction of the building sewer.

§ 112-25. Bedding of pipe.

Cast Iron and PVC Pipe are to be bedded with select fill and covered at least six inches over the top with fine dirt and gravel by hand. All pipe is to be bedded as recommended by the manufacturer and ASTM.

§ 112-26. Connection of surface or ground water drains prohibited.

No footing drains, roof drains, or other drains carrying surface or ground water shall be connected to the building sewer, building drain or public sanitary sewer either directly or indirectly.

§ 112-28. Pipe laying and backfill; inspection.

Pipe laying and backfill shall be performed in accordance with ASTM Specification C12, latest revision, or as directed by the Town Engineer, except no backfill shall be placed until the work has been inspected to the satisfaction of the town district.

§ 112-29. Pipes beneath public roads.

The installation of building sewers across Town, County or State roads shall be minimum of 6" diameter gravity sewer in accordance with the Highway Permit for that jurisdiction and shall comply with all current Town design standards and specifications. Within highway right-of-way, backfilling and restoration of surface shall be in accordance with requirements of the highway agency having supervision.

§ 112-30. Unstable soil conditions.

In the event that unstable soil conditions are encountered during the connection or installation of a building sewer, special construction methods may be required by the Town Engineer.

§ 112-31. Sewer connections to be above basement or cellar floors.

- A. Each building sewer must leave the building a minimum of ten inches above the basement or cellar floor. Building sewers in no event will be permitted to leave the building under the cellar wall.
- B. The Town Board may, upon written approval of the Town Engineer, grant a variance from the requirements of Subsection A or existing structures in those cases where the existing sanitary sewer in fact leaves the building below the cellar floor or in cases involving other existing structures where proof of extreme hardship is shown and where said hardship is unique and not self-created. Before any variance is granted from the provisions of Section A hereof, accurate sketches and elevations must be submitted to the Town Engineer which demonstrate an inability to comply with such section by reason of existing plumbing configuration. In addition, the person seeking the variance must submit proof, satisfactory to the Town Engineer, that ground and surface waters will be excluded from the sanitary sewer lines.

§ 112-32. Clean-outs to be provided.

Each building sewer must be provided with a cleanout at changes in direction, at the right-of-way and at least for every 50 feet of length for 4" diameter laterals every 90 feet of length for 6" diameter laterals.

§ 112-34. Connection standards.

Connection of the building sewer into the sanitary sewer shall be brought by:

- A. A PVC, vitrified tile, reinforced concrete, cast-iron or asbestos-cement branch or riser installed at the time of construction of the main sewer.
 - (1) Joints. The joints shall provide a permanent seal against exfiltration or infiltration as designed by the Town Engineer.
 - (2) Damaged branches. Damaged branches shall be replaced.
- B. Saddle-type connections to the main sewers shall be made in a smooth, round hole, machine drilled.
 - (1) Fittings. The fitting used shall be made to ensure that it will not protrude into the main sewer. The fitting shall fit the contour of the inside of the main sewer and be designed for the size of pipe into which construction is being made. One-eighth-inch clearance shall be provided between the fitting and the hole and between the shoulder of the fitting and face of the main pipe. These spaces shall be completely filled with waterproof joint material capable of withstanding any stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. The fitting shall be capable of receiving all types of pipe normally used for house-service connections.

§ 112-35. Notice of excavation.

The contractor shall comply in all respects to the Industrial Code Part (Rule Number) 53 relating to construction, excavation and demolition operations at or near underground facilities as issued by the State of New York Department of Labor, Board of Standards and Appeals.

§ 112-37. Restoration of public property.

Streets, sidewalks, parkways, and other public property disturbed in the course of sewer installation shall be restored in a manner satisfactory to the Town Engineer.

§ 112-41. Applications to construction extensions.

Applications to construction extensions or additions to the town sewer district shall be made to the Town Engineer. Three sets of applications to construct a sanitary sewer, along with three sets of detailed plans showing the proposed construction, shall be forwarded to the Town Engineer. Upon approval of the plans by the Town Engineer, three additional sets of applications and approved plans shall be forwarded to the Erie County Health Department for approval. Evidence of Health Department approval is required by the Town District.

§ 112-42. Inspection of extensions.

Inspections during construction of an extension for addition to sewers will be made by the Town Engineer. Those sanitary sewers are to be covered up until such inspection has been made.

§ 112-43. Extension of pipe specifications.

Extensions or additions to the sanitary sewer system shall be made with one of the following:

- A. Cast iron pipe material shall be extra heavy cast iron meeting the requirements of ASTM A74-42.
- B. PVC pipe material manufactured in accordance with the latest ASTM Specification D-3033/D-3034. All pipes shall be SDR-35 or thicker wall and the PVC compound shall meet the requirements of the latest ASTM Specification D-1784. Pipe in compliance with the standards shall be clearly marked with the pipe size (nominal), cell classification, SDR number, PVC Sewer Pipe and ASTM Designation.
- C. (Section C is Repealed).

§ 112-44. Extension pipe laying and backfill standards.

- B. All construction methods shall be subject to approval of the Town Engineer.
- C. The installation of building sewers across the Town, County or State roads shall be in accordance with the Highway Permit for that jurisdiction and comply with all current Town design standards.
- D. In the event of unstable soil conditions, special construction methods may be required by the Town Engineer.
- E. (This section is Repealed).

§ 112-45. Connection of extensions to trunk sewer.

- A. No connection of sanitary sewer extensions shall be permitted to the trunk sewer of the county district until infiltration or other tests and final inspections have been made and approved in writing by the Board of Managers. The allowable rate of infiltration shall not exceed 100 gallons per inch of pipe diameter per mile of sewer per day.

§120-5A1: Snow Plow Ordinance

- a) No person shall plow, shovel, sweep or pile snow, ice, or other such materials in or beyond the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience or public travel or such as to constitute an obstruction of the sight of persons traveling by vehicle or by foot on public streets or sidewalks or on private driveways.
- b) No person shall plow, shovel, or pile snow from a private or public driveway in such manner as to deposit the same in the public roadway or on a public sidewalk.
- c) Enforcement:
 - 1. Any infraction by a person, firm or corporation of any provision of this Chapter shall be deemed an offense punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed 15 days, or both.
 - 2. Any person who takes part in or assists in any violation of this Chapter shall be subject to the penalties provided herein.

3. This Chapter shall be enforced by the members of the Town of Orchard Park Police Department and Code Enforcement Officers.

AMENDMENTS TO CHAPTER 121: Subdivision

THE FOLLOWING SECTIONS ARE HEREBY REPEALED AND REPLACED BY THE AMENDMENTS SET-FORTH.

ARTICLE 1 General Provisions

§ 121-2. Definitions.

ENGINEER - The Town Engineer of the Town of Orchard Park

ARTICLE II Plat and Plan Approval Procedures

§ 121-5. Pre-application plan.

At a regular Planning Board meeting, the applicant, and/or his engineer shall present, in sketch form, a pre-application plan showing the following information:

- A. Proposed plan of total area to be developed.
- B. Desired zoning classification.
- C. Possible states of completion (phasing).
- D. Declaration of applicant's position with respect to title.
- E. Wetlands delineation completed and wetlands shown on plan.
- F. Existing topography on the site shall be shown.
- G. Aerial photo with the proposed development overlayed.

§ 121-7. Submission of preliminary plat and plans for conditional approval.

- A. Generally. Eight sets of preliminary plat and plans showing contours, proposed road layout, proposed public improvements (pavement, drainage, storm sewers, sanitary sewers, water service, etc.), zoning of adjacent properties, boundaries of existing improvement districts, adjacent owners, and location plan shall be submitted to the Planning Board for conditional approval. Prints of the preliminary plat with Development Form No. 2 may be submitted to and reviewed by the Planning Board with or without representation of the applicant.
- B. Signature of Highway Superintendent required. The cover sheet of these prints shall bear the dates of review and the signature of the Town Highway Superintendent and the Town Engineer as an indication that they have reviewed the plat and have no objection to the proposal.
- C. All appropriate review fees as set forth under Chapter 144, Attachment 144a (Schedule of Zoning Fees) are to be submitted pursuant to the fee schedule.

§ 121-8. Distribution of prints of preliminary plat and plans.

Prints of preliminary plat and plans shall be distributed as follows:

- A. One copy to the Building Inspector.
- B. Three copies for the Planning Board files.
- C. Two copies for the Town Engineering Department.
- D. One copy for the Highway Department.
- E. One copy for the Conservation Board files.

§ 121-9. Hearing of preliminary plat and plans. [Added 11-18-1981; amended 6-2-2004 by L.L. No. 6-2004]

Within 62 days after the receipt of such preliminary plat and plans by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing.

§ 121-11. Signing of approved preliminary plat, plans, and development forms.

The approved preliminary plat, plans, and development forms shall be signed by the Planning Board's Chairman when proper.

§ 121-12. Petition to the Town Board for certain actions.

After the preliminary plat and plans are approved, the applicant shall petition the Town Board for final action for any of the following:

- A. A re-zoning in keeping with the approved plat.
- B. Creation of a sanitary sewer district or extension.
- C. Creation of a storm sewer maintenance district or extension.
- D. Creation of a water district or extension.

§ 121-13. Application for final plat and plan approval.

A. Application (Form No. 3) by the owner to the Planning Board for final plat approval shall be accompanied by the following:

- (1) Three linen prints of the final subdivision plat (map cover).
- (2) Two copies of a general location of description for publication.
- (3) Certified check as per the fee schedule, payable to the Town.

B. If the final plat is not submitted within six months of the conditional approval of the preliminary plat, the planning Board may refuse to approve the final plat.

§ 121-14. Submission of final subdivision plat.

The applicant shall not submit the final subdivision plat to the Planning Board until all the approvals required on the Subdivision Development Form No 3 have been obtained from the designated officials.

ARTICLE III Plat and Plan Requirements.

§ 121-20. Existing conditions data.

The preliminary plat and plans shall show or be accompanied by existing conditions data. Such existing conditions data shall include the following except when otherwise specified by the Planning Board:

- A. Key plan showing location, including name of town or towns, and boundaries of tract.
- B. Property lines and easements including locations, width and purpose of easements, existing platting if a re-subdividing project shall be shown.
- C. Streets on and adjacent to the tract, including all streets shown on the Official Map shall be shown. Street names and rights-of-way width and location, type, width and elevation of surfacing, any legally established center line elevations, walks, curbs, gutters, bridges and culverts shall be shown.
- D. Utilities on and adjacent to the tract location including size and invert elevation of sanitary, storm and combined sewers, location and size of water mains, location of gas lines, fire hydrants, electric and telephone poles, and streetlights shall be shown. If water mains and sewers are not on or adjacent to the tract, the direction, distance to and size of the nearest water mains and sewers, showing invert elevation of sewers, shall be indicated. Where drainage is to be to a natural watercourse, lake, swamp, sink or roadside or drainage ditch, the elevation of water in such watercourse or ditch at recognized flood stage shall be shown. The Town Engineer will assist in determining such recognized flood stage.
- E. Ground elevations on the tract shall be based on USGS datum and the OP bench system as approved by the Town Engineer. For land that slopes less than approximately 2%, spot elevations at all breaks in grade, along all drainage channels or swales and at selected points not more than 100 feet apart in all directions shall be shown. For land that slopes more than approximately 2%, either contours at an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes or contours at an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings shall be shown.
- F. Geotechnical soil borings are required to determine the subsurface conditions on the tract. Location and results of test bores made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater; location and results of soil percolation tests if individual sewage disposal systems are proposed shall be shown. Proposed bore locations are to be submitted to the Town Engineer for approval prior to the borings being performed.

- G. Other existing conditions on the tract such as watercourses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, other buildings, and other significant features, shall be shown.
- H. Other conditions on adjacent lands, such as approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences, owners of adjacent unplatted land shall be shown. The submission shall refer to subdivision plat by name, recordation date and number and show approximate percentage of buildup, typical lot size, and dwelling type.
- I. If photographs are required by the Planning Board and/or Town Engineer, photographs shall be labeled with camera locations, directions of view, and key numbers.
- J. Zoning on and adjacent to the tract.
- K. Proposed public improvements including highways or other major improvements planned by public authorities for future construction on or near the tract, shall be shown.
- L. Deed description according to official records, names and addresses of record owners, survey of tract boundary, including all pertinent bearings and distances, made and certified by a registered land surveyor, tied into established town reference points and, where possible, related to the state system of plane coordinates established by Chapter 545 of the Laws of 1938, notations stating acreage, scale, North point, datum, bench marks and date of survey, shall be shown.

§ 121-21. Scale of preliminary plat and plans.

- A. The Preliminary plat (Map Cover) shall be drawn to a scale of 100 feet to the inch unless a different scale is approved by the Town Engineer.
- B. The preliminary plans shall be at a scale of 50 feet to the inch, unless a different scale is approved by the Town Engineer. The plans are to be submitted on 24" by 36" sheets.

§ 121-22. General preliminary plat and plan data.

The preliminary plat and plans shall show all proposals, including the following:

- A. Streets with names, right-of-way and roadway width, approximate grades and gradients, similar data for alleys, if any.
- B. Other rights-of-way or easements shall show location, width and purpose.
- C. Location of Utilities.
- D. Lot lines, lot numbers and block numbers.
- E. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.
- F. Sites, if any, for multifamily dwellings, shopping centers, churches, business or other nonpublic uses exclusive of single-family dwellings.

- G. Minimum building setback lines.
- H. Site data, including number of residential lots, typical lot size, and acres in parks, etc.
- I. The plan shall include the subdivision name or title under which to be eventually recorded, scale, North point, date, and name, and address of subdivider and designer.

§ 121-23. Additional preliminary plat and plan data.

- A. The preliminary plat shall also include the following information:
 - (1) through (7) no change.
 - (8) Proposals for pedestrian/recreational access (sidewalks, trails, maintenance driveways, etc.).
- B. All elevations shall be based on USGS datum and the OP bench system.

§ 121-24. Deed restrictions.

When required by the Planning Board, the subdivider shall include with the preliminary plat data, a draft of protective covenants (deed restrictions) whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. Restrictions of all types which will run with the land and which will become covenants in the deeds of lots shall be shown on the Map Cover.

§ 121-26. Form and scale of final plat (Map Cover).

The balance of §121-26 shall remain as presently set forth.

§ 121-28. (Deleted & Reserved).

§ 121-37. Curb radii where connecting street lines deflect.

When connecting street lines deflect from each other at any one point by more than 10°, they should be connected by a curve with a radius at the centerline of not less than 250 feet for minor and collector streets of such greater radii as the Planning Board shall determine for special cases.

§ 121-38. Street intersections.

Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75°. Any change in street alignment to meet this requirement shall occur at least 100 feet from the intersection. The minimum distance between intersections within a development shall be one hundred fifty (150) feet.

§ 121-39. Radius of property at Intersections.

The Planning Board or Town Engineer may require that property lines at street intersections shall be rounded with a radius of 20 feet or with a greater radius where the Planning Board may deem such necessary. The Planning Board or Town Engineer may permit comparable cutoffs or chords in place of rounded corners.

§ 121-40. Curb Radii at Intersections.

Curb radii at intersections shall not be fewer than 30 feet as measured at the edge of pavement.

§ 121-42. Length of dead-end streets (cul-de-sacs)

Dead end streets (cul-de-sacs), shall not be longer than 500 feet unless otherwise authorized by the Planning Board. No street shall be designed to be a permanent dead end without a cul-de-sac.

§ 121-43. Turnarounds at dead ends (cul-de-sacs).

Dead-end streets shall be provided at the closed end with a turnaround (cul-de-sac) having an outside roadway diameter of at least one hundred sixty-six (166) feet and a street property line diameter of at least two hundred (200) feet.

§ 121-44. Street Names.

Street names shall be chosen after careful consideration of existing street names in the town to prevent duplication and phonetic conflicts. Street names shall be submitted to the Town Clerk for distribution at the reviewing agencies and committees for approval. Street names are required prior to preliminary approval.

§ 121-46. Width.

The width of any alley shall not be less than 30 feet.

§ 121-47. Intersections, sharp changes in alignment to be avoided.

Alley intersections and sharp changes in alignment shall be avoided, but where necessary shall be provided with sufficient corner cutoffs to permit safe vehicular movement and emergency vehicle access.

§ 121- 48. Dead ends; adequate turnarounds.

Dead-end alleys shall be avoided where possible, but if unavoidable such alleys shall be provided with adequate turnaround facilities at the dead end, as determined by the Planning Board, Town Engineer, and Public Safety Committee.

§ 121-49. Provision for utilities.

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be a minimum of 20 feet wide. Easements for sanitary sewers shall be a minimum of 30' feet wide for cross-lot and rear lot easements.

§121-57 Extra width required on corner lots.

Corner lots in residential zones have extra width to permit specified building setbacks from and orientation to both streets. This extra width shall be equal to or greater than the minimum yard depth dimension required on each street within the zone. Exception: Not applicable to projects which have received pre-application approval.

§ 121-64. Monuments.

Monuments shall be placed at all property corners and angle points of all properties to be dedicated to the Town. Monuments shall also be placed at all block corners, angle points and points of curves and streets and intermediate points, as required by the Town Engineer.

§ 121-68. Additional Improvements

A. Stormwater Management.

1. Subdivision stormwater control design shall be in compliance with all provisions of Chapter 144 Article XII (Stormwater Control) of the Town Code.
2. Subdivision storm water system design shall also be in compliance with all NYSDEC Phase II Stormwater Regulation requirements except where Town requirements are more restrictive.
3. Detention/retention basins shall be designed to contain the 1-year, 10-year, 25-year, 50-year, and 100-year 24-hour design storms for post-development peak rates of runoff while restricting the outflow to a rate equal to the 1-year, 10-year, 25-year, 50-year, and 100-year 24-hour design storms for pre-development peak rates of runoff, respectively. The retention or detention pond shall also include an auxiliary emergency spillway to direct stormwater to a positive outlet in the event of an overflow.

B. Sanitary Sewer Remediation

1. Sanitary sewer infiltration/inflow (I/I) removal (remediation) is required for all projects consisting of five (5) sublots or more, as per the Erie County Division of Sewerage Management requirements.
2. All remediation shall be performed within a Town of Orchard Park Sewer District.
3. The remedial work must be completed prior to the project's final acceptance and dedication of the subdivision plot.

C. Pumping Stations

1. Sewage pumping stations for subdivisions are discouraged.
2. New sewage pumping stations are only permitted where there is no alternative available and there are sufficient units (minimum of 50 single family homes or 70 multiunit developments) to justify the associated operating expense.
3. The Design Engineer shall demonstrate (with topographical information for the area surrounding the proposed development along with existing sewer facilities information) that there is NO alternative to a pumping station and that a proposed pumping station location can serve the entire tributary area. Unavailability of easements is not a sufficient justification for a pumping station.
4. Any pumping station proposed shall be designed such that all tributary areas within the District will be able to access and utilize the pumping station in the future. This may mean that the wet well, force main, and electrical service have to be sized larger than what is immediately needed for the subdivision plan. Pumps designed for less than the ultimate tributary area will be reviewed on a case by case basis. Access easements for future sewer lines from outside the

proposed development shall also be provided under such circumstances.

5. In certain situations, a proposed development may be tributary to an existing sewage pumping station which has insufficient capacity to accept additional flow. In such cases, plans to bring the existing pumping station into conformity with the Town standards will be required before the development plans are approved. Specific plans and specifications for necessary renovations shall be subject to a case by case review and approval by the Town.

D. Signage

1. Traffic control and street identification signage and other signage as deemed necessary (no parking, etc.) is to be provided prior to the dedication of the development, as required.

E. Street Lighting

1. Street lighting is to be installed as per the latest Town specifications prior to the final dedication of the subdivision.

F. Pedestrian Access

1. Proposed trails, boardwalks, and pedestrian bridges shall be designed for public access and recreation areas, as determined to be necessary by the Planning and Conservation Boards.
2. All trails, boardwalks and bridges shall be designed per the latest Town specifications and details.

§ 121-71. Drainage district required.

The Planning Board shall require the applicant to create a drainage district to service the proposed subdivision. The creation of the drainage district must be completed and filed prior to the approval of the final plat.

Chapter 131: Vehicle and Traffic

§131-13 Fire Lanes IS HEREBY REPEALED AND REPLACED BY THE AMENDMENT SET-FORTH BELOW.

Parking or standing in appropriately marked fire lanes is hereby prohibited.

AMENDMENT TO CHAPTER 144: Zoning Ordinance

THE SECTIONS BELOW ARE HEREBY REPEALED AND REPLACED BY THE AMENDMENTS SET-FORTH BELOW.

§ 144-5 Parking - shall be modified to change 200 square feet to 180 square feet.

§ 144-12 The name Rich Stadium shall be changed to Ralph Wilson Stadium.

§ 144-12 is repealed, Rich Stadium Parking and replace as follows:

Ralph Wilson Stadium Parking-

- a. On any Ralph Wilson Stadium activity date, residents or property owners may permit parking for compensation on their premises in the R3 and R4 zone that falls within a 1

mile radius from the center of Ralph Wilson Stadium. Said radius is described on a map which is made a part of this Chapter. Such map modifies the zoning map of the Town of Orchard Park referred to in §144-7.

- b. On any Ralph Wilson Stadium activity date, the property owners in any B2 or I1 zone may permit parking for compensation providing they have obtained a commercial parking permit from the Town of Orchard Park.
- c. The above-referenced regulations are subject to the enforcement by the Town of Orchard Park Police Department or any other agency charged with the regulation of traffic, crowd control, and/or public health and welfare.

§ 144-14 shall be repealed.

§ 144-17.1. Conservation Management Overlay (CMO) District.

C. Standards and general requirements.

(1) Minimum area. The minimum area required to qualify for the Conservation Management Overlay District shall be 50 contiguous acres. Any parcel or parcels of contiguous conforming acreage donated to the Town as parkland, by the applicant, may be considered as part of the overall minimum acreage required.

(2) Permitted district. The Conservation Management Overlay District shall only be permitted within the R-1 Residential District.

(3) Maximum density. The maximum gross density for the entire subdivision shall not be more than the maximum density permitted in the R-1 Residential District. The maximum gross density is determined by submission of an overall plan in accordance with the R-1 supplemental height, lot, yard, and bulk regulations. In calculating the maximum gross density, land which may not be developed shall be excluded. That is, land such as wetlands, steep slopes, and other undevelopable land shall be excluded.

(4) Buffer strips. A buffer strip consisting of at least 40 feet shall be provided between the subject property and adjacent properties or roads. These buffer strips shall be part of the common area owned and maintained by the homeowners' association. No buildings shall be fewer than 60 feet from any exterior lot line. A buffer strip may be crossed to access an exterior public street from an interior public street. Such streets shall comply with the minimum requirement of streets in the Town of Orchard Park.

(5) Open space regulation. Overall, the minimum amount of open space preservation shall be no less than 25% of the gross acreage of the parcel or parcels to be developed. Designated open space shall not include setbacks and lawns, and existing rights-of-way and utility easements. At least 75% of designated open space shall be contiguous. At least 50% of designated open space shall be defined as "green space" and shall be maintained in a natural, undisturbed condition. Limited access to green space may be allowed in the form of a walking or biking path. All paths are subject to approval by the Planning Board. The remaining designated open space may be identified as "common area" and may be used for passive or active recreation. If used for active recreation, impervious surface shall not exceed 5% of this area.

(6) Open space management. Open space or "common area" in the Conservation Management Overlay District is a parcel or parcels of land, together with improvements

thereon, the use and enjoyment of which are shared by the owner-occupants of the individual building sites. Where such property exists, the landowner shall provide for and establish a homeowners' association, approved by the New York State Department of Law (Attorney General's Office), for the ownership and maintenance of any common property. Each lot owner shall be required to be a member of a homeowners' association, which shall be formed prior to conveyance of the first lot. Such homeowners' association shall not be dissolved, nor shall it dispose of any common property by sale or otherwise. Development in designated open spaces is prohibited.

(7) Stormwater Management. Stormwater control design shall be in compliance with all provisions of Chapter 144 Article XII (Stormwater Control) of the Town Code. Storm water system design shall also be in compliance with all NYS DEC Phase II Stormwater Regulation Requirements except where Town requirements are more restrictive.

(8) Design Standards. Design standards and submittal requirements for the infrastructure of the CMO shall be the same as outlined in Chapter 121 (Subdivision) except as otherwise noted in this section.

(9) Landscape design standards.

- a. Landscape treatment for roads, paths, service, and parking areas shall be designed as an integral part of a coordinated landscape design for the entire site.
- b. Primary landscape treatment shall consist of shrubs, ground cover, and street trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to local growing conditions.
- c. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
- d. Landscape plans shall be submitted to the Conservation Board for recommendation to the Planning Board.

D. Design regulations for principal structure and uses. (Design regulations shall be designate as paragraph D)

(3) Minimum front setback.

(a) Interior public streets: minimum front setback measured from the right-of-way is 20 feet.

(8) Arrangement, access, and other requirements.

(g) Sidewalks (optional) are to be a minimum width of four (4) feet and are to be placed on both sides of the road 1' foot inside the R.O.W. The maintenance and repair of sidewalks as defined in Chapter 120, Article II of the Town Code is to be the responsibility of the Homeowners' Association for the CMO.

E. Site plan review.

Overlay District. Site plan review shall be designated as paragraph e.

§ 144-20E shall be modified as follows:

Any exterior display or storage in all B and I zones must be approved by the Planning Board.

§ 144-24B shall be modified as follows:

Accessory structures in B and I districts shall be a minimum of 10 feet from the rear and side lot lines. They shall be no larger than 240 square feet.

§ 144-29A(2) shall be modified as follows:

The number of off street parking spaces required shall be as set forth in the off street parking schedule below. In the case of any building, structure, or premises the use of which is not specifically mentioned herein, the Planning Board may specify the number of parking spaces which shall be required.

§ 144-29A(4) shall be repealed and replace as follows:

Vehicle parking shall be prohibited in the front yard of B commercial and I industrial zones or in any area set forward of a building when the majority of the building front is at a greater setback than the front line of the building. Parking in the front yard shall be permitted in a business or shopping center in the B1 zone, but not in that area extending the full width of the lot and situated between the street line and the line parallel to the street line a distance of at least 50 feet.

§ 144-30(C)(1)(a) is modified as follows:

All swimming pools, spas, and hot tubs shall comply with the regulations set forth in the NYS Residential and Building Codes for pools. In addition, all private swimming pools in the Town of Orchard Park over 300 cubic feet capacity, moved, erected, constructed, or excavated either above, below, or partly above or below grade level, shall require a building permit.

§ 144-30C, 1f and 2 shall be repealed.

§ 144-30C 6d shall be repealed and the following shall be substituted:

d. No swimming pool will be permitted in a front yard or required side yard.

§ 144-32(D)(1) shall be modified as follows:

In a district where permitted and in conformance with the recommendations of the National Fire Protection Agency, as certified by the Town Building Inspector.

144-44 C. General Standards. The Town Conservation Board shall approve with modifications or disapprove the landscape plan submitted with such application and shall report its decision to the Town Board based upon the following:

(1) Landscape plan

(a) Requirements.

[1] In the case of an application for a building permit or certificate of occupancy pertaining to the erection or construction of an independent structure, unattached to an existing structure, the landscaping plan shall be prepared and certified by a New York State licensed landscape architect. A minimum of 15% of the total site shall be landscaped open space. Any revised plans

submitted to the Conservation Board shall have the revisions Color coded or clouded and provide a written narrative of the changes.

[2] The owner shall deposit with the Town Clerk a certified check amounting to 50% of the cost of *completion* of all landscaping (Deposit) as set forth in Landscaping plan and as shown on the value estimation form. In the event that the Owner shall fail to comply with the provisions of this 144-44C(1), the deposit shall be forfeited to the Town of Orchard Park.

[3] Upon completion of the installation of the landscaping materials, the owner shall provide, on a form supplied by the Town of Orchard Park, a statement from a licensed landscape architect indicating that the plant materials specified on the landscape plan have been installed in accordance with Approved plans and specification. Upon receipt and acceptance of the Statement by the Town of Orchard Park, 70% of the deposit shall be returned to the owner. In order to secure the release of the remainder of the deposit, the owner shall provide a certificate, on a form provided by the Town of Orchard Park, executed by a licensed landscape architect, that the plant material specified in the plans and specifications have survived the three year guarantee period set forth in this subsection and shall meet American Association of Nurseryman (AAN.)

[4] Tags with Latin and English names on all newly installed plants, shall be left on the plant until the landscape architect certifies the installation.

§ 144-46. Multiple dwellings and townhouses.

(6) Drainage.

- (f) Stormwater control design shall be in compliance with all provisions of Chapter 144 Article XII (Stormwater Control) of the Town Code.
- (g) Storm water system design shall also be in compliance with all NYSDEC Phase II Stormwater Regulation Requirements except where the Town requirements are more restrictive.
- (h) Detention/retention basins shall be designed to contain the 1-year, 10-year, 25-year, 50-year, and 100-year 24-hour design Storms with post-development peak rates of runoff, while restricting the outflow to a rate equal to the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design Storms for pre-development peak rates of runoff, respectively. The retention/detention ponds shall also include an auxiliary emergency spillway to direct stormwater to a positive outlet in the event of an overflow.

(11) Sanitary Sewer Remediation.

- (a) Sanitary sewer infiltration/inflow (I/I) removal (remediation) is required for all projects as per the Erie County Division of Sewage Management requirements.
- (b) All remediation shall be performed within the Town of Orchard Park Sewer District.
- (c) The remedial work must be completed prior to the projects final acceptance, dedication, and/or issuance of a certificate of occupancy.

144-46.1, Senior Residential District (SR).

- (h) Approved Senior Residential apartment complexes shall have back-up generators with capacity to power the facility in the event of a power shortage or black out.

144-64(A)(12)(g) is hereby amended to provide that **three copies** of the Site Plan be submitted.

144-64(A)(12)(h) is hereby amended by adding the following language:

“Sites that have forty-one (41) or more parking spaces shall follow 144:29 and 144:44.”

144-79, Community Planning for Centralized Mail Delivery.

New Commercial, Residential (Single Family and Multi-Family) and Senior Residential developers shall include the United States Postal Service in the early planning stages to study the feasibility of establishing centralized mail delivery.

144 Attachment

- 1) Standardized the Public Hearing fee:

- (a) Amend §144 attachment 1, Schedule of Zoning Fees B by deleting the sum of \$75.00 and adding the sum of \$100.00.
- (b) Amend §144 schedule of Zoning Fees B by adding the following language:
Applications for public hearings before the Town Board or the Planning Board shall be accompanied by a fee of \$100 payable to the Town of Orchard Park.

144 (E)(5), Schedule of Zoning Fees shall be modified as follows:

Any Developer who secures a Building Permit for Multi-dwelling Units in any zone shall be assessed \$7,200 per acre. In the event that Multi-dwelling Units carry Senior Residential (SR) designation, the assessment shall be directed to an account dedicated to Senior activities

Schedule of Use Controls shall be amended as follows:

- 1-I-1. Adult uses shall be listed under special exception uses in the I-1 zone.

- 2- “Beauty Shops” shall be eliminated from the list of permitted principal uses in the B-3 zone.

- 3- B-3 and B-4 freestanding signs shall be omitted from a list of permitted accessory uses and replaced by the word “signs”. In addition, “pedestal signs” shall be added to the list of prohibited uses.

- 4- Schedule of Use Controls -

The following language shall be added in each B-1, B-3, B-4, and I-1 zones as follows: “Exterior storage and display must be approved by the Planning Board.”

In B-1 Schedule of Use Controls #1 - “**No exterior display**” shall be deleted.

In B-3 and B-4 zones Schedule of Use Controls - “**Outside storage and display**” shall be deleted from Prohibited Uses.

Supplemental Height, Lot, Yard, and Bulk Regulations.

- 1- Note 4 is hereby repealed the following is substituted:
"A 10 yard setback is required in all B zones unless in a shopping center or business center where buildings on different lots are connected. "
- 2- The A-1 zone should be amended to provide a maximum height of 18 feet.

The resolution was unanimously adopted.

New Business #1 Town to Accept the Comprehensive Financial Report & Statement of Changes

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

RESOLVED, that the Town Board does hereby receive and file the Comprehensive Annual financial Report and the Statement of Changes in cash balances and statements of cash receipts and disbursements with the Town Clerk-Tax office and the Town Justice office for the year ending December 31, 2010. An Independent Auditors' Report is on file in the Town Clerk's office for review.

The resolution was unanimously adopted.

New Business #2 Award Bid for Brush Pickup Contract to Buffalo & Orchard Park Topsoil

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

WHEREAS, sealed bids were received for the "Brush Pickup Contract" on the 11th day of April 2011 in the Town Clerk's Office, and

WHEREAS, all bids received were opened and read aloud at 11:00 AM (local time) on the 11th day of April 2011, in the Town Board's Conference Room at the Municipal Center located at S4295 South Buffalo Street, Orchard Park, New York.

NOW THEREFORE, be it

RESOLVED, that the Town Board does hereby award the bid for the Brush Collection to Buffalo & Orchard Park Top Soil, 3340 N. Benzing Road, Orchard Park NY 14127, as recommended by the Highway Superintendent and reviewed by the Town Attorney, in an amount not to exceed the following;

Year #1	\$60,000.00
Year #2	\$66,000.00
Year #3	\$66,000.00

Councilman Kaczor stated that the Town has the right to withdraw from this agreement with good cause, and there is a performance bond if the Town has to undertake any of the work that is supposed to be performed by the subcontractor, the subcontractor will be penalized \$200.00 for any time that is spent by the Town.

The resolution was unanimously adopted.

New Business #3 Supervisor to sign Fireworks Display contract with Skylighters for the 4th of July

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

RESOLVED, that the Town Board does hereby authorize Supervisor Colarusso to sign the 2011 Fireworks Display Contract for the 4th of July, between the Town of Orchard Park and "Skylighters of Western New York", 3362 Baker Road, Orchard Park, NY with the cost not to exceed \$5,000. The Certificate of Liability Insurance has been submitted.

The resolution was unanimously adopted.

New Business #4 Approve request of Eclipse Multi-Sport to hold 5K run on Dec. 3, 2011

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

RESOLVED, that the Town Board does hereby approve the request of Eclipse Multi-Sport to hold a 5K race on Saturday December 3, 2011, starting at 12:00 PM. The race would begin at the Rite Aid parking lot on N. Buffalo Rd. and end in the Runner's Roost parking lot. The race would proceed down New Taylor Rd and through neighborhoods off to the left and right of New Taylor Rd and back. This is subject to receipt of Certificate of Liability, as per the Town Attorney.

The resolution was unanimously adopted.

New Business #5 Approve request of Eclipse Multi-Sport to hold 5K run on July 24, 2011

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

RESOLVED, that the Town Board does hereby approve the request of Eclipse Multi-Sport to hold a 5K run on Sunday July 24, 2011, starting at 9 AM to raise money for a memorial scholarship in honor of Lindsay Matthews. The proposed route would start at the Orchard Park soccer fields and turn east on Milestrip Rd. Runners will then take a right on Baker Rd and run approx. ¼ mile until the dirt road entrance of the town compost site. The finish-line will be inside of the soccer complex. A Certificate of Liability has been submitted.

The resolution was unanimously adopted.

New Business #6 Approve request of Chamber of Commerce to hold 4th of July Parade

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

RESOLVED, that the Town Board does hereby approve the request of the Orchard Park Chamber of Commerce to hold the Annual Fourth of July Parade on Monday, July 4, 2011. The parade will assemble at the Orchard Park High School parking lot at 7:00 PM with the leadoff at 8:00 PM sharp. There is no rain date for the parade. There is a rain date for the fireworks of Tuesday, July 5th. A Certificate of Liability is on file with the Town of Orchard Park.

The resolution was unanimously adopted.

New Business #7 Town Board to authorize Free Mulch Day on May 14, 2011

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

RESOLVED, that the Town Board does hereby authorize "Free Mulch Day" Saturday, May 14, 2011, at the Town of Orchard Park Compost site located on Milestrip Road. Hours will be 8:00 a.m. until 4:00 PM. Orchard Park Residents are encouraged to come and take advantage of Free Mulch Day. For Residents of Orchard Park: First cubic yard is free, Second cubic yard is \$7.50, any additional purchases will be charged at the original cost of \$15.00. For this day ONLY, cash will be accepted at the compost site.

The resolution was unanimously adopted.

New Business #8 Appoint Highway Department Seasonal Staff

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

RESOLVED, that the Town Board does hereby appoint Rick Bodhorn to the seasonal staff at the Highway Department, with a start date of April 25, 200 and a rate of PT1 - \$8.50, as recommended by the Highway Superintendent.

The resolution was unanimously adopted.

New Business #9 Appointment to Insurance Board

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

RESOLVED, that the Town does hereby by appoint Gerald W. Schaffer, Jr., 35 Redbrick Rd., Orchard Park, to the Insurance Advisory Board for a term to expire December 31, 2011.

The resolution was unanimously adopted.

New Business #10 Approve request of Village to hold "Summer in the Park"

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

RESOLVED, that the Town Board does hereby approve the request of the Village of Orchard Park to hold "Summer in the Park", which includes the Ice Cream Social to be held, Friday, July 29th from 7:00 – 10:00 PM, and the Street Dance, Saturday, July 30th from 7:30 – 11:30 PM, at the Orchard Park Library grounds. Set up for these events will begin at 5:00 PM each day after the Library closes for the day. Village is also requesting permission to sell/serve alcoholic beverages at the Street Dance. A Certificate of Insurance has been submitted with the letter of request.

The resolution was unanimously adopted.

New Business #11 Appoint Recreation Department Seasonal Staff

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

RESOLVED, that the Town Board does hereby authorize the Spring & Summer Seasonal appointments of the following applicants as requested by Recreation Director Leak, dependent upon the applicants providing the required certifications:

<u>Name</u>	<u>Address</u>	<u>Rate</u>	<u>Position (Title)</u>
Philarom Amphavanh	1713 Schoellkopf Road	\$8.50	PT1-E (LG)
Andrew Brydges	23 Birdsong Parkway	\$9.00	PT2-B (Att)
Sarah Sonnenberg	261 Huntington Ave- Upper	\$8.50	PT1- E (Att.)
Kristin Anders	24 Hampton Ct	\$8.50	PT2-B (LG)
Kelsey Anderson	7420 Chestnut Ridge Rd	\$9.00	PT2-B (LG)
Katie Augustine	2960 Bullis Rd	\$8.50	PT1-E (Att)
Nicole Augustine	2960 Bullis Rd.	\$11.00	PT3-E (LG.)
Sarah Badagliacca	7272 Jewett Holmwood	\$8.50	PT1-E (LG)
Jessica Battaglia	30 Norwood Lane	\$8.50	PT1-E (LG)
Laura Berkeley	7300 Ellicott Rd	\$9.50	PT2-D (Att.)
Brian Benz	17 Brookview Terr.	\$9.00	PT2-B (Att.)
Aimee Beyette	11510 Glenwood Rd	\$10.50	PT3-C (Att)
Shauna Birtch	4261 Clinton Street	\$9.00	PT2-B (Att.)
Tressa Bogner	26 Oakland Place	\$11.00	PT3-E (Att)
Kara Borowiak	230 Highland Ave	\$9.00	PT2-B (LG.)
Peter Brady	14 Regalwood Dr.	\$9.00	PT2-B (Att.)
Toby Burns	4128 North Freeman Rd	\$15.00	PT6-D (Att)
Jennifer Buskus	P.O Box 688	\$11.00	PT3-E (Att.)
Andrew Brydges	23 Birdsong Parkway	\$9.00	PT2-B (Att.)
Jenny Capriotto	7123 E. Quaker	\$10.50	PT3-C (Att.)
Megan Clough	152 Tanglewood Dr	\$8.50	PT1-E (Att)
Sawyer Dina	9 Swallow Lane	\$8.50	PT1-E (LG)
Elizabeth Egloff	105 South Lane	\$8.50	PT1-E (Att)
Anna Emmerling	305 Countryside Lane	\$10.50	PT3-C (Att.)
Brooke Fischman	6 Old Post Rd	\$8.50	PT1-E (Att)
Christopher Ford	5868 Woodlee Ct	\$8.50	PT1-E (LG)
Karin Freyer	49 Potter Ave.	\$9.00	PT2-B (Att.)
Brigid Gallagher	3599 Abbott Road	\$8.50	PT1-E (Att)
Zoe Gallagher	100 Rockingham St	\$10.50	PT3-C (Att.)
Kathleen Goodman	132 Meadowbrook	\$15.00	PT6-D (Att.)
Emily Graber	37 Hampton CT	\$9.50	PT2-D (LG)
Kelli Graber	37 Hampton CT	\$9.50	PT2-D (LG)
Matthew Gura	125 South Lane	\$9.00	PT2-B (LG.)
Bridget Hart	39 Edgewater Dr.	\$9.00	PT2-B (Att.)
Emily Horn	4825 California Rd.	\$10.50	PT3-C (Att.)
Shannon Jablonski	121 Whitney Pl.	\$11.00	PT3-E (Lg.)
Matthew Jankowiak	6094 Berkley Dr	\$8.50	PT1-E (Att)
Justin Jemiolo	14 Birch Run	\$8.50	PT1-E (LG)
Logan Jensen	7 South Davis St.	\$9.00	PT2-B (Att.)
Zachary Kaus	80 South Union	\$8.50	PT1-E (Att)
Emily Kennedy	40 Sunset Lane	\$9.00	PT2-B (Att.)
Florence Kirkner	16 Bender Dr.	\$11.00	PT3-E (Lg.)
Luke Klee	29 Cherry Tree Lane	\$8.50	PT1- E (LG)
Margaret Klee	29 Cherry Tree Lane	\$9.50	PT2-D (Lg)
Ashley Kolniak	24 Silent Meadow Lane	\$8.50	PT1-E (LG)

Matthew Kordrupel	6243 Boston Ridge Rd.	\$9.00	PT2-B (Att.)
Annie Rose Kostrzewski	29 Silent Meadow Rd	\$8.50	PT1-E (LG)
Julia Krezmien	155 Garry Drive	\$8.50	PT1-E (Att)
Owen Krezmien	155 Garry Drive	\$8.50	PT1-E (Att.)
Salvatore T. LaDuca	220 Anderson Pl.	\$15.00	PT6-D (Att.)
Michael La Vigne	4 Fox Chapel Drive	\$8.50	PT1-E (LG)
Jennifer Livingston	5739 Dover Rd	\$15.00	PT6-D (LG)
Janet Marks	1203 Jewett Holmwood Rd	\$10.50	PT3-C (Att.)
Kelly Mahoney	12 Brimfield Ct	\$8.50	PT1-E (LG)
Gregory Michael	5330 Murphy Rd	\$10.50	PT3-C (LG)
Erin Miller	5 Chase Drive	\$8.50	PT1-E (Att.)
Tara Minogue	49 Potter Ave	\$8.50	PT1-E (Att.)
Anna McArdle	55 Jolls Lane	\$9.50	PT2-D (LG)
Collin McArdle	55 Jolls Lane	\$9.50	PT2-D (LG)
Anabelle McDonald	87 Hunters Ridge Rd	\$8.50	PT1-E (Att)
Sydney Muggia	12 Mourning Dove Ct	\$8.50	PT1-E (Att.)
Marleah Noonan	66 Meadow Rd.	\$11.00	PT3-E (LG)
Alyssa Owczarczak	30 Ranch Trail Ct.	\$9.00	PT2-B (Att.)
Allison Pawarski	3582 Eric Trail	\$9.00	PT2-B (Att.)
Andrea Pawarski	3582 Eric Trail	\$9.00	PT2-B (Att.)
Brittany Popovski	104 Graystone Lane	\$9.00	PT2-B (Att.)
Theresa Reilly	PO Box 75	\$8.50	PT1-E (Att)
Caitlyn Rinaldi	6440 Tulipwood Lane	\$10.50	PT3-C (Att)
Megan Robertson	62 Potter Ave	\$9.00	PT2-B (Att.)
Anne Romanello	34 Hawthorne Ct.	\$10.50	PT3-C (Att.)
Peter Ryan	34 Park Place	\$8.50	PT1-E (LG)
Caitlin Schenk	75 Midway Dr.	\$9.00	PT2-B (Att.)
Mary Schichtel	4536 Mt. Vernon Blvd.	\$15.00	PT6-D (Att.)
Madeline Shiley	39 Wildwood Lane	\$8.50	PT1-E (LG)
Heidi Schultz	6111 Bunting Rd	\$9.00	PT2-B (Att)
Christi Schultz	6111 Bunting Rd	\$8.50	PT1-E (Att)
Lauren Simonsen	2 Symphony Cricle	\$8.50	PT1-E (Att.)
Mark Simson	29 Tanglewood West	\$8.50	PT1-E (LG)
Matthew Simson	29 Tanglewood West	\$9.00	PT2-B (LG)
Kate Sloane	192 Hughes Ave	\$8.50	PT1-E (LG)
Sarah Sonnenberg	261 Huntington Ave- Uppe	\$8.50	PT1-E (Att.)
Nicole Sparks	5556 Draudt Rd	\$8.50	PT1-E (Att)
Adrienne St. Jacques	64 Middlebury Rd	\$9.50	PT2-D (Att.)
Alexis Tarnowski	5940 Elmhurst	\$9.00	PT2-B (LG)
Robert Taylor	154 Germain St	\$9.50	PT2-D (LG)
Sandy Trampert	71 Fairway Dr.	\$9.50	PT2-D (Att.)
Allison Tripi	502 Main Street	\$8.50	PT1-E (LG)
Benjamin Tryon	119 Ashwood Ln.	\$9.00	PT2-B (Att.)
Jonathan Van Remmen	60 Tracy Dr	\$8.50	PT1-E (Att.)
Anne Marie Wells	13832 White St	\$9.50	PT2-D (LG)
Kimberly Wilder	99 Graystone Lane	\$9.00	PT2-B (Att)
Brian Wylie	53 Stonhenge	\$8.50	PT1-E (Att)
Ana Zarbo	228 Steven Dr	\$9.50	PT2-D (LG)
Michael Zarbo			

The resolution was unanimously adopted.

New Business #12 Approve request of Highbrook Ct. & Redbrick Rd. residents to hold Block Party

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

RESOLVED, that the Town Board does hereby approve the request of the residents on Highbrook Court and Redbrick Road to hold their 2nd annual Block Party, for Saturday, June 25, 2011, from 3:00 PM to 11:00 PM, and authorize the use of orange cones from the Highway Department for the safety of the children from any traffic that may occur.

The resolution was unanimously adopted.

New Business #13 Authorize Supervisor to sign SPDES General Permit for Stormwater Discharges

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

WHEREAS, as per the Federal EPA Environmental Conservation Law, Clean Water Act, and Stormwater Phase II regulations, the Town must submit to the New York State Department of Environmental Conservation a Stormwater Management Program annual report outlining the Town's progress in meeting the Notice of Intent (NOI) goals, and

WHEREAS, the 2010-2011 copy of the draft annual report will be placed in the Town Clerk's Office for public review and comments. A draft copy will also be forwarded to the Town Board, Building Inspector, Highway Superintendent and Town Attorney for review and comments. The Annual Report must be submitted to the NYSDEC each year by June 1st. Included with the report is the Municipal Compliance Certification Form that must be signed by the Supervisor.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the New York State Department of Environmental Conservation SPDES (#NYR20A137) General Permit for Stormwater Discharge from Small Municipal Separate Storm Sewers (MS4's), Permit No. GP-0-10-002, Municipal Compliance Certification, and be it further

RESOLVED, that the Town Board does hereby schedule a public informational meeting for Wednesday, May 25, 2011 at 7:00 PM to receive public comment on the draft Stormwater Phase II annual report, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #14 Authorize Payment of hydrant fees for Hilltowne Park Sub. upon Dedication

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR COLARUSSO, TO WIT:

WHEREAS, 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, and

WHEREAS, the total construction of the above referenced subdivision will result in two hydrants in service.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the payment of the two hydrant fee amounts upon dedication of the Hilltowne Park II Subdivision and associated hydrants per the lease management agreement between the Town of Orchard Park and ECWA, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #15 Award bid for Orchard Park Library Insulation & Air Conditioning/Handling

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

WHEREAS, Bids were opened for the Orchard Park Library Insulation and Air Conditioning/Handling Units Project on April 19, 2011, and

WHEREAS, the Engineering Department has reviewed the prices of the four mechanical contractors and two general contractors who submitted bids. The lowest mechanical bid of \$93,200.00 (disregarding the deduct alternates) was below the engineer's estimate of \$150,000.00 for this portion of the project. The lowest general bid of \$150,000.00 (including the deduct alternate) was above the engineer's estimate of \$100,000.00, but is more than covered by the surplus in mechanical portion of the project. These two components added together give us a project total of \$243,200.00 which is under the grant and engineer's estimate of \$250,000.00, and

WHEREAS, the low bidder for the mechanical portion of this project was **Parise Mechanical**. This company has successfully completed various projects in the past, including the Orchard Park Soccer Pavilion and Library Boiler Replacement. This Company has been found to have the qualifications and experience to perform this work adequately. The Town Engineer has no reservation about their capabilities. The low bidder for the general portion of this project was **Miller Enterprises Inc.** This company has completed similar projects in the past and has worked with the design architect on a prior successful project, and

WHEREAS, there is presently \$126,000.00 allocated under Capital Projects H-81 "Library Renovations" plus approximately \$88,514.00 is due in NYS grant money for this project. The remaining Town matching (\$28,686) funding bonding for Municipal Buildings, but the Orchard Park Library will be forwarding additional grant money that will cover this amount as well as allow part of the parking lot improvements.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contracts for the Orchard Park Library Insulation and Air Conditioning/Handling Units Project to the lowest responsible bidders:

- mechanical contractor = Parise Mechanical, 1106 Sheridan Drive, Tonawanda, NY 14150 for a bid of \$93,200.00;
- general contractor = Miller Enterprises Inc., 12 Newfield Street, Buffalo, NY 14207 for a bid of \$150,000.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #16 Award bid for Testing of Backflow Prevention Devices

20) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, The Town of Orchard Park is required to test backflow prevention devices in the Senior Center, Library, Municipal Center, Compost Facility, Green Lake/Little League Park, and Honey Crest Playground. The Town must comply with the New York State Sanitary Code Subpart 5, from the New York State Department of Health and from the requirement of the Village of Orchard Park, and

WHEREAS, bids were opened for the Backflow Prevention Devices on April 25, 2011. The bid was for both a base bid for testing and costs of backflow prevention repair kits. Bids were for each facility and the size of the backflow prevention device that each facility currently uses. The lowest base bid of \$950.00 was for all six sites, and

WHEREAS, the Engineering Department has reviewed the bids for this work. The three contractors that bid the scope of work were MKS Plumbing Corp. (\$950.00), D.V. Brown & Associates (\$1,059.00) and MLP Plumbing & Mechanical (\$1,620.00).

WHEREAS, the lowest bidder for this project was MKS Plumbing Corporation. The company has been in business since 1994 and has successfully completed various backflow prevention testing and installation projects in the past for Orchard Park. This company is more then capable of completing the proposed testing and repair of the various backflow prevention devices.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the contract for Testing and Repair of Town Owned Backflow Prevention Devices to MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York, 14224, in an amount not to exceed the base bid of \$950.00, not including any possible repairs and kits, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #17 Appoint Engineering Summer Staff

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

WHEREAS, funds have been allocated in the 2011 budget for seasonal help in the Engineering Department. Kevin Stevens, who has applied for a summer job with the Engineering Department, will be a sophomore at State University New York at Buffalo majoring in Civil Engineering. Kevin is a former graduate of Orchard Park High School and an Eagle Scout of Troop 283. Kevin is very interested in public service engineering career and has accepted the challenge of the duties and responsibilities of assignments with enthusiasm.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Kevin J. Stevens, 12 Ashley Drive, West Seneca, New York 14224 to a seasonal position in the Engineering Department for a sixteen-week period beginning May 16, 2011 at a wage rate of \$8.50/hour, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #18 Authorize purchase of CD/Manual Package of NY Water Laws Seminar

22) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, in accordance with our duties as Town Attorney and Town Engineer the Town is required to implement New York Water Laws and Regulations. Half Moon LLC is presenting a Seminar in Albany but is also offering a CD/Manual Package for \$269.00 shipping and handling included which we feel would benefit the Town. The amount could be taken from the Engineering Department budgeted amount under A.1670.413, and

WHEREAS, the course agenda includes NYSDEC Water supply Regulatory Program (Environmental Conservation Law Article D), Common Law and Statutory Rights to Surface Waters, Management of Stormwater and Flooding, NYS Water Quality Regulatory Program (SPDES), Federal and State Stormwater Regulations, Federal Clean Water Act Enforcement, Long Term Stormwater Management, Emerging Topic: Regulation of Mercury, and Challenges Facing MS4 Communities.

NOW THEREFORE, be it

RESOVLED, that the Town Board does hereby authorize Wayne Bieler to purchase New York Water Laws Regulations CD/Manual Package for the Town Attorney and Town Engineer at a cost not to exceed \$269.00 from A.1670.413.

The resolution was unanimously adopted.

Refer to Planning & Conservation Boards

23) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the following requests are being referred to the Planning Board, and Conservation Board

- 19) Mr. Brian Louis of Schneider Design Architects representing The Tabernacle, 3210 Southwestern Boulevard, located on the north side of Southwestern Blvd., Zoned B-2 is requesting a Building Permit and Site Plan Approval to construct a 3,041-sq.ft. 1-story addition to the existing Classroom Building. In addition, various improvements to the site are proposed that include exterior canopies, new signage, re-construction of access steps and the construction of a wheel chair ramp. (SBL#'s152.16-4-2, 3, 4, 7, 5.21, and 17)
- 20) Mr. Ernest Dobies of 4942 Development and Saville's Outdoor Power Equipment, Inc. is requesting a Change-In-Use be granted for property located at 3421 N. Benzing Road, Zoned I-1. Mr. Dobies would like to relocate his current business to this location. (SBL#152.18-1-5)
- 21) Mr. William Wincott, representing Ray Laks Honda regarding Vacant Land located at the North West corners of Southwestern Boulevard and Mid County Drive, Zoned I-1. Applicant is requesting to Rezone property from I-1, to B-2 for the purpose of constructing an Automobile Dealership at this site. (SBL#161.07-5-37.121)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Sheila Miller – Ms. Miller discussed the Hydrofracking news that was published in the last week illustrating how dangerous and poisonous the process is.

Henry Dinder – Mr. Dinder attended the meeting tonight for the Public Hearing that was to be held this evening. The Town Board should somehow issue new notices when the Public Hearings are cancelled. He submitted documents to the Town Clerk. Mr. Dinder would like the 4th of July, and Buffalo Bills fireworks to be discontinued, as they are detrimental to some people.

David Schuster – Mr. Schuster would like the two regular meetings a month reestablished. It is the end of April and the Town Board has had eight special meetings at their work sessions in which regular Town business was conducted and this business should have been conducted at a regular Town Board Meeting. He questioned the \$54,000 being spent for the ICMA study of the Police department and that it is being conducted under the guise of contract negotiations.

Howie Holmes – Mr. Holmes feels that most of the people in Town enjoy the Fireworks. He asked Wayne Bieler to coordinate the paving of the Library parking lot, so that it doesn't interfere with the street dance. Mr. Holmes requested that all Board and Committee vacancies and job openings be listed on the Town's website. He also announced a "Jessie Walberg" art show at the Joll's House. Ms. Walberg was from Orchard Park.

ELECTED OFFICIALS & DEPARTMENT HEADS

Budget Transfers

24) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following Budget Transfers:

Highway Department

\$12,130.00 From: DA.5110.0472 Highway Stone
 To: DA.5142.0402 Snow Supplies

The resolution was unanimously adopted.

Supervisor Colarusso stated that the Town is currently working on a new website for the Town, but it takes time as the Town only has one person who manages all the Town's technology.

25) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MAJCHRZAK, TO WIT:

WHEREAS, the Town Board approved a project (file #01-11) for McGard with a recommendation from the Conservation Board of a Landscape Value Estimation of \$235,000 and

WHEREAS, the Landscape Architect was in error when submitting the estimation.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby correct the Landscape Value Estimation for the McGard, 3875 California Rd, request for a Building Permit from \$235,000.00 to \$33,695.00, as recommended by the Town Attorney.

The resolution was unanimously adopted.

Councilmember Kaczor stated that Highway Superintendent Piasecki asked him to announce that the care of the baseball diamonds is behind schedule due to the rain that we have had. Mr. Piasecki hopes to have them ready in time for baseball season.

Councilmember Kaczor stated that the ICMA study (Police Department) was discussed at a formal work session and has been discussed in the newspapers. He stated that the Town has been deeply concerned with the percentage of the budget dedicated to Public Safety. The local police association was invited to the discussions and they were supportive of it. The Town Board is looking to work with the Police Department to find ways to reduce or eliminate some of the expenses related to running the Department.

Councilmember Kaczor talked about continuing to look at the meeting structure, especially with regards to next year when it becomes a three member Town Board. They are looking at how to divide up the work and are looking at putting more responsibilities on the Department Heads, Boards and Committees, but the ultimate decisions revert to the Town Board. The Town of West Seneca is struggling with the three member Town Board and they have a lot more support staff than Orchard Park has. It is going to be challenging next year and he asked that people be patient.

Councilmember Majchrzak stated that the work session on the fifth Wednesday was not cancelled. They were short one member, but the work session did take place.

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

RESOLVED, this Town Board, based upon the report of the Building Inspector, hereby declares the twin silos located in close proximity to the historic barn located behind the premises at 7295 Jewett Holmwood Road in the town of Orchard Park, New York to be a public nuisance or unsafe structures, and be it further

RESOLVED, that a Notice of Pendency shall be served on the owner of such dangerous and unsafe structures, James F. Jerge, Jr., personally by registered mail, including a copy of the report of the Town of Orchard Park Building Inspector stating that the structures are unsafe and dangerous, and be it further

RESOLVED, that such dangerous and unsafe structures are hereby required to be removed or made safe and secure, and be it further

RESOLVED, that due to the dangerous nature of the structures and the fact that they are in imminent danger of collapsing and doing damage to adjacent structures, that the work removing or making the structures safe and secure shall commence no earlier than 10 days from today, or May 7, 2011 upon service of the Notice of Pendency upon said James F. Jerge, Jr. the owner of the structures, and be it further

RESOLVED, that a hearing shall be held before this Town Board, if necessary on the 4th day of May 2011 at 7:00 pm at S4295 South Buffalo St., Orchard Park, NY 14127, and be it further

RESOLVED, that in the event that the owner of the structures, James F. Jerge, Jr., does not remove or make safe and secure such structures, the Town shall remove such structures at the cost of such removal shall be assessed against the land on which such structures are located, and be it further

RESOLVED, that no action shall commence no earlier than 10 days from today, or May 7, 2011 , as recommended by the Town Attorney

Councilmember Majchrzak stated that this is a very awkward situation. While you try to preserve the history of a Town, they also are responsible for the liability portion of the issue. It is a difficult decision to make.

The resolution was unanimously adopted.

Chief of Police, Andy Benz, announced that on Saturday, April 30th, there is going to be a "Prescription Drug Drop Off" at the Mercy Ambulatory Center. Anyone who has any leftover, expired or unwanted drugs that they would like to safely and appropriately dispose of.

Town Engineer Wayne Bieler stated the reason people should dispose of their drugs at drug drop off centers is that drug content has been turning up in fish from people who have been disposing of the drugs by flushing them down the toilet. The sewage treatment plants are not equipped to handle them.

Mr. Bieler said that the Engineering Department set up a table outside the Board Room with Stormwater Management information. He stated that a letter is going out to all the residents in the Milestrip Tank Area, which is east of Baker Rd. and north of Milestrip Rd. There is going to be a Fire Flow & Pressure Test in the area and the tank will be taken off line. They are hoping to improve the fire pressure for the hydrants in that area.

Supervisor Colarusso noted that Councilmember Ackerman and Highway Superintendent Piasecki were absent this evening as they are attending the Orchard Park Pride dinner.

27) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR, TO WIT

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #8 which were reviewed and approved.

General Fund	\$43,364.27
Part Town Fund	\$543.08
Risk Retention	0.00
Cemetery Fund	0.00
Highway Fund	\$104,698.33
Special Districts	\$104,834.31
Trust & Agency	\$535.00
Capital Fund	\$219,533.21

The resolution was unanimously adopted.

28) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER KACZOR TO WIT:

RESOLVED, that the Town Board does hereby receive and file the following:

Communications:

- Prescription Drug Drop Off Saturday, April 30th 9 a.m. to 1 p.m. Drop off location will be Mercy Ambulatory Care Center, 3669 Southwestern Blvd., Orchard Park, NY.
- The Erie County Legislature introduced a resolution in opposition of the NYS Department of Agriculture imposing a surcharge for Spaying and Neutering Dogs.

Reports:

- Chief of Police's Monthly Report for the month of February 2011
- Building Inspector's Monthly Report for the month of March 2011

The resolution was unanimously adopted.

There being no further business, on motion by Supervisor Colarusso, seconded by Councilmember Graber, the meeting was adjourned at 8:00 PM (local time).

Respectfully Submitted,



Carol R. Hutton
Town Clerk