

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 6th day of March 2024 at 7:07 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

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

Supervisor Majchrzak read into the record the following: “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

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

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: February 21, 2024 and Special Session Minutes: February 28, 2024; and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

PUBLIC COMMENT ON OLD BUSINESS

Maureen Nash spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Russ Wierer spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Marc Braun spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd. He brought in alleged water samples and water filter from a Newton Rd. home and inquired about the need for a retention pond and SEQR.

Amy Wierer spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Kristin Dudish spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Wayne Hemmerling spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Laura Sweet spoke against the Town Board reapproving the Site Plan for 6131 Newton Rd.

Old Business #1 Reapprove the presented Site Plan for 6131 Newton Road

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

RESOLVED, that the Town Board; with regard to SBL# 184.00-4-13.121, Holy Face Ministry, 6131 Newton Road, located on the south side of Newton Road, Zoned A-1, that the Town Board approves the Site Plan for a 2,300 sq. ft. addition to the existing chapel building located on the property at 6131 Newton Road (“Project Site”) along with all related improvements depicted on the engineering plans prepared by Nussbaumer & Clarke, Inc. based on the following findings and conditions:

1. All public notices have been filed.
2. The project was referred to the Erie County Department of Environment and Planning (“ECDEP”) on December 15, 2021 pursuant to NYS General Municipal Law Section 239-M since Newton Road is an Erie County Highway.
3. On February 6, 2024, the ECDEP issued a reply stating as follows: “No Recommendation; proposed action has been reviewed and determined to be of local concern.”
4. Upon review of the Site Plan and associated documents, including the Short Environmental Assessment Form prepared pursuant to the State Environmental Quality Review Act (“SEQR”), the Planning Board recommends that the Town Board classify the project (“action”) as a Type 2 Action pursuant 6 NYCRR 617.5(c)(9) of the SEQR Regulations stating that “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a Use Variance and consistent with Local Land Use Controls, but not Radio Communication or Microwave Transmission Facilities” is a Type 2 Action.
5. On November 8, 2021, the Erie County Department of Health issued a letter approving the on-site Septic System for the project.
6. A letter with attachment prepared by Robert Pidanick of Nussbaumer & Clarke, Inc. dated January 8, 2024 provides detailed information supporting the professional opinion of the project engineering firm in support of its opinion that the installation of the on-site Stormwater Management System complying with the applicable Stormwater Standards as described in detail in the letter ensures the project will not result in any potentially significant adverse drainage impacts.
7. On March 1, 2022, the Erie County Department of Public Works issued a letter stating as follows: “This Department has received plans and drainage calculations for site modifications at Holy Face Chapel Church located at 6131 Newton Road (CR-110) in the Town of Orchard Park, and find them to be acceptable.”
8. The Site Lighting is limited to those fixtures and poles indicated on the Approved Engineered Plans. Light fixtures shall have flat lenses, and all lighting is to be directed downward and toward the site.
9. Specific findings relating to Section 144-44 of the Orchard Park Zoning Code:
 1. All buildings are an integral part of the development and have convenient access to and from adjacent uses and roadways.
 2. Individual buildings are related to each other in design, mass, materials, placement, and connections providing a visually and physically integrated development.
 3. All buildings are arranged to avoid undue exposure to concentrated loading or parking facilities.
 4. All buildings are arranged to be accessible to emergency vehicles.
10. No outside storage or display is permitted.
11. An updated/redated Landscape Plan including demonstrated compliance with all Green Space regulations was submitted and Conservation Board approval was granted on February 6, 2024.

- 12. To the extent that relief may be necessary from set-back or required yard pursuant to the Town of Orchard Park Zoning Code and its Area and Bulk Regulations by virtue of the project approved by this Motion, the Planning Board recommends, pursuant to Section 144-61 of the Zoning Code, that the Town Board approve this project, and specifically the construction of the addition to the existing structure so long as the said addition is otherwise in conformance with the provisions of the Town Code set forth above.
- 13. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
- 14. Town Engineering Department Approval was granted on January 11, 2024.

On the Question:

Councilmember Liberti inquired if there were any changes to the original site plan compared to today’s Site Plan, is the lighting correct, if it was zoned properly, if there are any variances and if the Town was required to mail out any notifications regarding this project.

Town Engineer Wayne Bieler stated the driveway was widened and that was through the Building Department, there were also trees and buffering that were added. He also stated the outlet for the retention basin was piped and not ditched.

Building Inspector Tom Minor stated the lighting was tweaked to have the lighting pointed down. He also responded to zoning questions.

Councilmember Mariano stated he visited the site last week. He discovered there were a few sheds on the property that did not have permits and would follow up with the Building Inspector’s Office to bring them into compliance.

Planning Coordinator Remy Orffeo stated it was a type two action, there was no need to get any variances, and there was no need to notify neighboring residents of the building action. He stated there were no variances on this project.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Aye
Councilmember Flynn	Aye
Councilmember Mombrea	Aye
Councilmember Liberti	Nay
Councilmember Honer	Aye

The resolution was duly passed.

PUBLIC COMMENT ON NEW BUSINESS

Patricia Meckes spoke against wind turbines in Orchard Park.

Tyrone Palaganas spoke against the resolution against wind turbines

Ann Moritz spoke against wind turbines.

New Business #1 Approve resolution to support all Law Enforcement Officers

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

WHEREAS, the men and women of our nation's law enforcement agencies wear their uniforms with honor, dedication, and integrity as they protect and defend the communities they serve; and

WHEREAS, there are approximately 800,000* law enforcement officers serving communities across the nation including the men and women law enforcement officers across New York State and in Orchard Park, New York; and

WHEREAS, since the first recorded line of duty death occurred in 1786, more than 23,000* officers have made the ultimate sacrifice while protecting the communities they swore to protect; and

WHEREAS, the uniforms which were worn and earned with hard work, commitment and pride by these officers, have in recent times become targets by those who seek to attack, injure, or kill law enforcement officers simply because of their profession and their commitment to duty; and

WHEREAS, the Town Board of Orchard Park stands with the families of the fallen, and the officers currently protecting our Town, County, State and all officers throughout the United States; and

WHEREAS, we the Town Board of Orchard Park support the men and women in law enforcement who stand every day as our guardians of peace and order, ready to protect our homes and businesses, the weak and oppressed and our very freedom.

NOW, THEREFORE be it

RESOLVED, that the Town Board of Orchard Park officially supports, respects, and honors the commitment and sacrifice made by all law enforcement officers.

* Per National Law Enforcement Officers Memorial Fund

The resolution was unanimously adopted.

New Business #2 Appoint part-time staff to Recreation Department

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

RESOLVED, that the Town Board is hereby authorized to approve the appointment of Rebecca Roe to the 2024 part-time staff for the Orchard Park Recreation and Parks Department effective March 7, 2024 as a Special Programs Supervisor at a pay rate of \$20.00 per/hour as recommended by the Recreation Director:

The resolution was unanimously adopted.

New Business #3 Award bid for the Orchard Meadows Tennis Court resurfacing

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

WHEREAS, the Town of Orchard Park did receive and opened bids on February 22, 2024 for the Orchard Meadows Tennis Court resurfacing.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby award the resurfacing bid to Arrey LLC/dba Signature Sport Surfaces, 879 Whitehaven Road #107, Grand Island, NY 14072 that being the lowest responsible bidder with a bid total of \$24,500.00, as recommended by the Town Parks Director, and be it further

RESOLVED, that adequate dollars are available in the 2024 Parks Department Budget.

The resolution was unanimously adopted.

New Business #4 Approve auction results and authorize Highway Superintendent to approve sale of surplus.

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

RESOLVED, that the Town Board will hereby accept the results of the auction conducted by Auctions International to sell surplus town equipment, and be it further

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to approve the sale of the surplus equipment.

The resolution was unanimously adopted.

New Business #5 Approve a resolution regarding No Wind Farms in Orchard Park

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

WHEREAS, the community of Orchard Park values its natural beauty, tranquility, and quality of life; and

WHEREAS, wind farms, while a source of renewable energy, can have significant environmental and visual impacts; and

WHEREAS, the construction and operation of industrial wind turbines may disrupt local ecosystems, wildlife habitats, and scenic landscapes; and

WHEREAS, the noise, shadow flicker, and potential health effects associated with wind turbines can negatively impact residents' well-being; and

WHEREAS, the economic benefits of wind farms must be carefully weighed against their potential drawbacks; and

WHEREAS, Orchard Park residents have expressed concerns about the potential installation of wind farms in our community.

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park opposes the establishment of wind farms within its boundaries; and be it further

RESOLVED, that the Town of Orchard Park will actively engage with relevant authorities, community members, and environmental experts to explore alternative renewable energy solutions that align with our community's values and minimize adverse effects.

On the question:

Supervisor Majchrzak stated there was a previous and similar resolution passed years ago regarding solar farms and to maintain the character of the Town we would like to recognize today's resolution.

The resolution was unanimously adopted.

New Business #6 Schedule a Public Hearing for an addition to the Town Code regarding Wind Farms.

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

WHEREAS, the Orchard Park Town Board, at its March 6, 2024 meeting passed a resolution opposing the establishment of Wind Farms within its boundaries; and

WHEREAS, the Orchard Park Town Board wishes that the opposition to Wind Farms becomes codified in the Town Code.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board schedules a Public Hearing regarding adopting an addition to the Orchard Park Town Code on April 17, 2024 at 7:00PM at the Town Municipal Center; and be it further

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

The resolution was unanimously adopted.

New Business #7 Refer to the Planning and Conservation Boards.

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

RESOLVED, that the Town Board does hereby refer the following to the Planning & Conservation Boards, for their review and recommendation of the following request:

- 4956 & 4968 Chestnut Ridge Road, V/L north westerly corner of New Armor Duels and Chestnut Ridge Roads, Zoned B-2. Miranda Holdings, Inc. is requesting a “Special Exception Use Permit” to operate a Drive-through Service Facility. (SBL#’s 172.20-1-17 & 172.20-1-16)

The resolution was unanimously adopted.

New Business #8 Refer to the Planning and Conservation Boards.

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

RESOLVED, that the Town Board does hereby refer the following to the Planning & Conservation Boards, for their review and recommendation of the following request:

- 200 Sterling Drive, located in the Sterling Park Industrial Center on the north side of Milestrip Road, south of Red Tail Drive, Zoned I-1. Community Healthcare Trust is requesting Site Plan Approval and a Building Permit to expand parking. (SBL#152.19-1-23)

The resolution was unanimously adopted.

New Business #9 Refer to the Planning and Conservation Boards.

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

RESOLVED, that the Town Board does hereby refer the following to the Planning & Conservation Boards, for their review and recommendation of the following request:

- 4297 & 4309 Abbott Road, located on the east side of Abbott Road, south of Big Tree Road, Route 20A, across from “Danny’s South” restaurant, Zoned B-2. Ellicott Development is requesting Site Plan Approval and a Building Permit to construct a proposed Convenience Store and Fueling Facility. (SBL#’s 172.05-1-1.1, 172.05-1-36.2)

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Tyrone Palaganas spoke of the ECRT in Orchard Park and the ECRT in East Aurora. He would like some of the signs on the Orchard Park ECRT to be removed.

Mickie Love inquired as to why the Transit Rd. construction entrance to Birdsong is closed.

Mary Chase asked for an update on the Town lowering the speed limit on Bieler Rd. She also would like the traffic light on Lake Ave. & Benzing Rd. to be a red light.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Town Clerk Remy Orffeo stated that Orchard Park has been awarded Tree City Status 3 years in a row. This award acknowledges the work Orchard Park has done to support the tree programs in the Town and Village. This also allows us to be eligible for certain Grants. The Tree Conservancy committee has picked its next two awardees for Steinwalks Oak Grove. On Arbor Day (April 26th) the Tree Conservancy Committee will plant two trees in the Grove to honor Marion Fields (long time member of the Conservation Board and Tree Conservancy Board) and Hal Fabinsky (community servant of many years). He then read the following proclamation:

The Trees City USA program has been greening up cities and towns across America since 1976. It is a nationwide movement that provides the framework necessary for communities to manage and expand their public trees. More than 3,400 communities have made the commitment to becoming a Tree City USA.

As members of the Tree City USA program, the Town and Village of Orchard Park were eligible for funding for a town wide Tree Management Plan. This project was completed in early 2023 by Arborist William Snyder and has been shared with the Town Engineering Department, Planning Department, Tree Conservancy Committee, Highway Department and town officials.

This approval marks the third year the Town of Orchard Park has been recognized for its efforts in preserving a "green" Orchard Park.

Mr. Orffeo also thanked Fred Piasecki for all the work he has done with the Tree Conservancy Committee.

Town Attorney Tim Gallagher informed the Board of the process to lower a speed limit in a township.

Town Engineer Wayne Bieler spoke of the process of having a signal put in at Lake Ave. & Benzing Rd.

Building Inspector Tom Minor stated the construction access road for Birdsong was closed due to mud. He also informed the public that the Building Inspector's Office has a Complaint Department and is available to assist in any complaints a resident has regarding code violations.

Highway Superintendent Andrew Slotman spoke of the mechanical breakdown of Orchard Park snowplows, brush truck and chip truck. Orchard Park town mechanics are doing a great job trying to keep up.

Police Chief Patrick Fitzgerald thanked the Board for the resolution Supporting All Law Enforcement Officers. He also stated Officers Putnam and Wheeler have graduated and are now DARE Officers.

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

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #5 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$231,040.87
Public Safety Fund	\$9,524.57
Part Town Fund	\$1,632.57
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$165,059.61
Special Districts	\$767,821.63
Trust & Agency	\$6,558.09
Capital Fund	\$67,446.29

The resolution was unanimously adopted.

REPORTS

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

RESOLVED, that the Town Board does hereby receive and file the proposed Erie County Sanitary Code regarding Permitting, Inspection and Enforcement of Retail Tobacco Product Businesses, Retail Vapor Product Businesses and Retail Smoking Paraphernalia Businesses new article.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:17 pm (local time).

Respectfully Submitted,

**Remy C. Orffeo
Town Clerk**