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**PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on May 4, 2022 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding a proposed Local Law for the year 2022; amending Chapter 144 ZONING §144-18 Adult Uses. At such time, all interested persons will be given an opportunity to be heard. This local law amendment provides as follows:

Amending Chapter 144 ZONING § 144-18 Adult Uses

**ADULT BOOKSTORE**

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, films for sale or viewing on premises, by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT ENTERTAINMENT CABARET**

A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

**ADULT MINI-MOTION-PICTURE THEATER**

An enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**ADULT MOTION-PICTURE THEATER**

An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**CANNABIS DISPENSARIES**

A Fixed public or private establishment or facility, operated in accordance with New York state laws, local town laws and regulations where cannabis, and/or cannabis products are offered for retail sale.

**PERSON**

Any person, firm partnership, corporation, association or legal representative, acting individually or jointly.

**SPECIFIED ANATOMICAL AREAS**

Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES**

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- B. Restrictions for Adult uses, including but not limited to adult bookstore, adult motion-picture theater, adult mini-motion-picture theater, adult entertainment cabaret and cannabis dispensaries, shall be permitted, subject to the following restrictions.
- (1) No such adult use shall be allowed within 1,500 feet of another existing adult use.
  - (2) No such adult use shall be located within 1,500 feet of the boundaries of any zoning district which is zoned exclusively for residential use (those zones designated R-1, R-2, R-3 or R-4).
  - (3) No such adult use shall be located within 1,500 feet of an existing school or place of worship.
  - (4) Adult uses shall be classified as a special exception use in the I-1 District and shall not commence operation until securing a permit pursuant to Article VI of this chapter, entitled "Special Uses."
  - (5) Adult use hours of operation will be 10:00 A.M. to 10:00 P.M.
- C. Registration.
- (1) The owner of a building or premises, his agent for the purpose of managing or controlling or collecting rents or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register the following information with the Town Clerk of the Town of Orchard Park:
    - (a) The address of the premises.
    - (b) The name and address of the owner of the premises and the names and addresses of the beneficial owners if the property is in a land trust.
    - (c) The name of the business or the establishment subject to the provisions of this section.
    - (d) The name(s) and address(es) of the owner, beneficial owner or the major stockholder(s) of the business or the establishment subject to the provisions of this section.
    - (e) The date of initiation of the adult use.
    - (f) The nature of the adult use.
    - (g) If the premises or building is leased, a copy of said lease.
  - (2) It is a violation of this section for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon an adult use without having properly registered said adult use with the Town Clerk.
- D. Display of registration. The owner, manager or agent of a registered adult use shall display in a conspicuous place on the premises of the adult use a copy of the registration filed with the Town Clerk.

- E. Public observation prohibited. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

Remy C. Orffeo  
Town Clerk  
April 14, 2022

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## PUBLIC NOTICE

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on May 4, 2022 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding a proposed Local Law for the year 2022; amending Chapter 117 Smoking §117-1. At such time, all interested persons will be given an opportunity to be heard. This local law amendment provides as follows:

### **Chapter 117 SMOKING**

#### **§ 117-1 Smoking Prohibited**

- A. Purpose. The purpose of this section is to preserve the public health and welfare by creating a healthier community, a cleaner environment by prohibiting smoking of any kind in all Town Buildings, Town Parks, Playgrounds, Town Trails & Town Athletic Fields.
- B. Smoking of any kind, including, but not limited to vaping and the use of electronic cigarettes, is prohibited at all Town-owned land, buildings or structures or areas over which the Town has an easement, including Town Parks, Town Trails, Town Playgrounds, Town Athletic Fields, located in any Town Parks, regulated under this article. Smoking is also prohibited during any event permitted or sponsored by the Town.
- C. It is unlawful for any person to dispose of any smoking materials, including, but not limited to, cigarette/cigar butts and filters or vape cartridges within any Town Park, Town Trails, Town Playground or Town Athletic Field regulated under this article in any place other than a trash receptacle.

#### **Penalties for offenses**

Any person who shall violate any provision of this article shall be punished by a fine not to exceed \$250.

In addition to these penalties, the Town Supervisor or the designee of the Town Supervisor may revoke for a period of one year any and all Town-issued permits, licenses, and/or passes held by an individual in violation of this chapter. Further, any individual in violation of this chapter may be removed from, and refused admission to, any area stated in this chapter.

This local law shall take effect immediately upon filing with the New York Secretary of State.

By filing this Local Law of 2022 §117 Smoking will be repealed.

**Remy C. Orffeo, Town Clerk**  
**April 13, 2022**

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**PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orchard Park on May 4, 2022 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding a Local Law amending Chapter 144 "Zoning", Attachment 15 "Supplemental Height, Lot, Yard and Bulk Regulations".

A copy of proposed Local Law with dimension regulations will be on file in the Town Clerk's office during normal business hours.

Remy Orffeo  
Town Clerk of Orchard Park  
April 13, 2022

# ZONING

## 144 Attachment 15

Town of Orchard Park

Supplement Height, Lot, Yard and Bulk Regulations  
 [Added 12-6-1989; amended 4-27-2011 by L.L. No.1-2011; 7-15-2015 by L.L. No. 4-2015; 5-1-2019 by L.L. No. 4-2019]

	Minimum Lot Dimensions					Minimum Yard Dimensions					Maximum Lot Coverage (%)		
	Area (Square feet)	Area Dwelling Unit (Square Feet)	Width (fee)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Rear for Accessory Buildings (feet)	Minimum Habitable Floor Area	Maximum Height of Buildings (stories, Feet)		Maximum Height Accessory Areas (feet)	
A-1 Agricultural One-family	54,500	54,500	160	300	75	30/80 <sup>4</sup>	100	20		2 ½	35	18	8
R-1 Residential One-family	25,000	25,000	120	180	60	15/45 <sup>7</sup>	60	15		2 ½	35	18	14
R-1 Residential One-family One-story	25,000	25,000	120	180	60	15/45 <sup>7</sup>	60	15		2 ½	35	18	17
R-2 Residential One-family	20,000	20,000	110	150	50	15/40 <sup>6</sup>	50	10		2 ½	35	18	14
R-2 Residential One-family One-story	20,000	20,000	110	150	50	15/40 <sup>6</sup>	50	10		2 ½	35	18	20
R-3 Residential Detached													
One-family	14,500	14,500	100	120	40	15	40	10		2 ½	35	18	15
Two-family	24,000	12,000	125	175	40	25	40	10		2 ½	35	18	15
Multifamily	10 acres	6 units per acre (maximum)	--	--	50	30	50	10		2	30	18	20
R-4 Residential Detached													
One-family	13,000	13,000	90	120	40	15	40	10		2 ½	35		17
Two-family	24,000	12,000	125	175	40	25	40	10		2 ½	35		15
Multifamily	4 acres	6 units per acre (maximum)	--	--	50 <sub>1</sub>	30 <sub>2</sub>	50 <sub>2</sub>			2	30		20
B-1 Commercial	20 Acres	---	--	--	50	4	20			2 ½	35		40
B-2 Commercial			80	150	50	4	20			2 ½	35		40
B-3 Commercial			80	150	50	4	20			2 ½	35		40
B-4 Commercial			80	150	50	4	20			2 ½	35		40
I-1 Industrial	40,000		150	200	50		20			2 ½	40		40
D-R Development & Research	1 acre		100.		50		20			(Separate schedule)	35		40



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425  
Fax: (716) 662-6488  
Email: [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

TOWN ENGINEER  
WAYNE L. BIELER, P.E.

May 3, 2022

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

**Re: Proposed Change Order #1 – Addressing Utility Conflicts  
Bussendorfer Forsythia Phase 2 Drainage Improvements Project**

Dear Board Members:

The Engineering Department is requesting your approval of a Change Order (attached) to the contract with Union Concrete & Construction Corporation for the Bussendorfer Forsythia Phase 2 Drainage Improvements Project in the amount of \$62,485.24. If approved, this would increase the total contract amount to \$995,187.88, representing an increase of 6.70%.

The Change Order requested is to revise the work scope under their contract to address several utility conflicts with the existing watermain along the east side of Bussendorfer Road. Also, a sanitary sewer lateral at 5020 Bussendorfer Road was in conflict with the now 30"HDPE. In this area of the project, the existing watermain elevation and horizontal location was not where record drawings indicated it. Elevation and horizontal location conflicts with the proposed 30-inch HDPE storm drainage pipe on the east side of Bussendorfer Road requires the crossing watermain to be lowered and raise a hydrant to facilitate the project's storm piping installation.

Although this total amount is within the contingent amount, the conflict was significant and other quantities may be affected, resulting in a need for a Change Order.

There is presently funding under AD002 Bussendorfer Drainage \$839,781, but additional funding is needed and a meeting is scheduled with accounting.

I, therefore, recommend that you approve Change Order #1 to our original contract with Union Concrete & Construction Corp. for the Bussendorfer Forsythia Phase 2 Drainage Improvements Project in the amount not to exceed \$62,495.24.

Respectfully submitted

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

Attachment

Cc: Remy Orffeo, Town Clerk File # 2002.030.2  
S:\Town Projects\Bussendorfer Drainage Project 2002.030\Payment Union Concrete\Letter to TB to Approve CO#1.doc

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



# TOWN OF ORCHARD PARK

4295 SOUTH BUFFALO STREET, ORCHARD PARK, NEW YORK 14127

## PROJECT CHANGE ORDER NO.1

PROJECT : Bussendorfer Forsythia Phase 2 Drainage Improvement  
 JOB NO. : 2002.030.2  
 DATE : 4/21/2022  
 BY : TAO  
 CHANGE ORDER NO. : CO1

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
CO1A	Covers unit costs (NOT TO EXCEED) to lower the sanitary sewer lateral for 5020 Bussendorfer Road due to conflict with new 30-inch HDPE Drainage Piping			\$33,150.97
CO1B	Covers unit costs (NOT TO EXCEED) to raise / adjust an existing hydrant's height			\$2,028.22
CO1C	Covers unit costs (NOT TO EXCEED) to lower 6-inch Watermain			\$11,198.07
CO1D	Covers unit costs (NOT TO EXCEED) to install concrete anchor collars in lowering watermains	6 EA	\$1,686.33	\$10,117.98
CO1E	Covers unit costs (NOT TO EXCEED) to Abandon 15-inch Drainage Pipe in-place with grout	30 CY	\$200.00	\$6,000.00
<b>TOTAL CHANGE :</b>				<b>\$62,495.24</b>

ADDITIONS.....	\$62,495.24
DEDUCTIONS.....	\$0.00
NET.....	\$62,495.24

ORIGINAL CONTRACT AMOUNT.....	\$932,692.64
PREVIOUS CHANGE ORDERS.....	\$0.00
AMOUNT THIS CHANGE ORDER.....	\$62,495.24
ADJUSTED CONTRACT AMOUNT.....	\$995,187.88

### APPROVALS:

CONTRACTOR: Union Concrete and Construction Corp.

TOWN ENGINEER: 

BY: Matt Blc

DATE: 4/29/22

DATE: 4/29/22





# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

**Phone:** (716) 662-6425  
**Fax:** (716) 662-6488  
**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

April 29, 2022

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

**Re: Excavation, Removal, and Storage of Materials Permit #2021-01  
Placement of Fill at Lot off Duerr Road for a Home Construction  
Release of the Cash Security**

Dear Board Members:

On March 3, 2021, the Town Board granted approval of the Excavation, Removal, and Storage of Materials to fill (approximately 1,600 cubic yards of soil) the lot off Duerr Road for a future home construction. At that time, the applicant (Mr. Christopher Preischel of 2890 Pleasant Avenue, Hamburg, New York 14075) provided a security cashier's check in the amount of \$2,000 in lieu of standard security bond, to be held until the work was completed and accepted by this Department.

The applicant has since completed his work, which was inspected by the Engineering Department and found to be in compliance with Town specifications.

I, therefore, recommend that you authorize the Town Clerk to release the cash security in the amount of \$2,000 to Mr. Christopher Preischel of 2890 Pleasant Avenue, Hamburg, New York 14075 for the Excavation, Removal, and Storage of Materials Permit #2021-01.

Respectfully submitted,

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

Cc: ~~Remy Orffeo, Town Clerk~~  
Steve Bremer, Building Inspector

Timothy Gallagher, Town Attorney  
File #2021.003

WHEREAS, Anna Worang-Zizzi has been employed in the Orchard Park Planning Department as a Planning Clerk (part time) since July 26, 2021; and

WHEREAS, Anna Worang-Zizzi has taken on the responsibilities of the Zoning Board of Appeals secretary; and

WHEREAS, the Zoning Board of Appeals is a specialized part of the planning department and requires great organizational skills, specialized knowledge in New York State Zoning laws, and the ability to attend evening meetings: and

WHEREAS Anna Worang-Zizzi has demonstrated excellent organizational skills, has become well versed in zoning laws and is available for evening meetings

NOW, therefore be it

RESOLVED that

The wage rate for Anna Worang-Zizzi, Planning Clerk (part-time) in the Planning Department, is \$17.00 per hour (budget line B08020 50104) effective May 9, 2022.

WHEREAS, the Town Clerk's 2022 budget includes a budget line for part-time clerical help, and

WHEREAS, the Town Clerk's office is in need of a part-time records management employee, and

WHEREAS, Michelle Faust previously worked as a part-time records management employee under a Local Government Records Management Improvement Fund (LGRMIF) grant; and

WHEREAS, Michelle Faust is available to work in the Town Clerk's office as a Records Management Clerk (part-time)

Now, therefore be it

RESOLVED that

Michelle Faust is hired as a Records Management Clerk (part-time) at an hourly rate of \$16.00 per hour effective May 9, 2022 (budget line A01410 50104)



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

May 3, 2022

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

**Re: *Brush Mountain Community Activity Center (Senior Center) - Generators  
Professional Electrical Consultant Agreement***

Dear Board Members:

As you are aware, the Town of Orchard Park has been awarded a State grant to install one of the two required generators for the CAC. The Engineering Department has solicited a proposal for professional services from C&S Companies. Their scope involves visiting the site, and updating all previous work for the previously designed generators system. The proposed tasks include building need, site measurements, code review, current design, documents, bidding, construction inspection and closeout. C&S has completed previous jobs for Orchard Park in the past and has always exceeded expectations.

A CDBG CARES grant was received and funding is allocated under Capital Project AB004 Brush Mountain Community Activity Center Building.

Therefore, I recommend you authorize the Supervisor to sign an agreement with C&S Companies for professional electrical design, bidding and construction services, for the Brush Mountain Community Activity Center (Senior Center) - Generators, in an amount not to exceed \$18,788.

Respectfully submitted,

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

Attachment

cc: Remy Orfeo, Town Clerk  
Timothy Gallagher, Town Attorney  
File: CDBG - Cares Act

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



# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

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

May 3, 2022

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

**Re: New York State 2020 CDBG - CARES ACT  
Grant Agreement**

Dear Board Members:

As previously discussed, the Town has been awarded a grant for Senior Center Improvements. The grant program is the New York State CDBG – Coronavirus Aid, Relief and Economic Security Act (CARES). The scope of work to be completed under this grant is the installation of backup generator power for the facility, seven (7) automatic door openers and twenty (20) laptop computers. The estimated cost of the project is \$967,154 +, the grant award is \$391,154 and the required Town match is \$576,000 +. The first step in the grant process is to sign a copy of the agreement and send back to New York to be fully executed.

I, therefore, recommend the following resolution be authorized:

- Authorize the Supervisor to sign, execute and **electronically** submit the CDBG-CV Grant Agreement with New York State (Housing Trust Fund Corporation – HTFC) for the Town of Orchard Park Senior Center Improvements.

Respectfully submitted,

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

Attachment

cc: Remy Orffeo, Town Clerk  
File: CDBG – Cares Act

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# TOWN OF ORCHARD PARK

## ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

**Phone:** (716) 662-6425  
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**Email:** [openg@orchardparkny.org](mailto:openg@orchardparkny.org)

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

May 3, 2022

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

**Re: *Consultant Agreement with C&S Companies  
Design Professional Services to Develop  
A Master Plan for the Orchard Park Highway Facility Project***

Dear Board Members:

As you are aware, for the past several years the Town has considered making needed improvements to the Orchard Park Highway Facility.

I have negotiated a detailed scope of work and proposed fee with C&S Companies to complete the design documents for a Feasibility Study and Master Plan for the Orchard Park Highway Facility Master Plan Project. The plan will include building condition assessments, space planning analysis to determine vehicle and equipment storage needs, and provide recommendations for renovations of existing or for new facilities in an overall facility master plan. The main priority focus will be the fuel tank system update needs and repairs to the salt barn repairs, and how they are located with a master plan. Design phase will start as needed for these two projects. The equipment storage needs for plow trucks etc. and the possible demo and relocation of the old topsoil building will be addressed as a second priority as well. A master plan for addressing future needs will be detailed and a plan layout/report developed.

Funds have been allocated under Capital Projects AB008 Highway Building, AB013 Highway, Sewer, Parks Generator Install and AB007 Orchard Park Municipal Building.

I, therefore, recommend that you authorize the Supervisor to sign an agreement with C&S Companies, 200 Washington Street, Suite 402B, Watertown, New York 13601 to provide professional design services for a Feasibility Study and Master Plan for the Orchard Park Highway Facility Project for a lump sum fee of \$31,720.

Respectfully submitted,

Wayne L. Bieler, P.E.  
Town Engineer

Attachment

Cc: Remy Orfeo, Town Clerk      Timothy Gallagher, Town Attorney      File

S:\Correspondence\Letter to TB for Highway Facility Master Plan Consultant Design Agreement 5-3-22.doc

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



# TOWN OF ORCHARD PARK

## MEMORANDUM

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

**DATE:** May 2, 2022

**TO:** Town Clerk, Remy Orffeo, Jenifer Brady, & Building Inspector Steve Bremer

**FROM:** Rose Messina

**SUBJECT:** Item(s) for May 4, 2022 - TB Agenda

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**NEW BUSINESS:**

**Please refer the following to the Planning & Conservation Boards for review & recommendation:**

1. V/L Webster Road, located at the south side Webster Road, west of Orchard Park Road Zoned-R-3. Prodigy Webster Road LLC is requesting to Rezone V/L, from R-3 to B-3, to construct a "Medical Office Building". (SBL# 161.00-3-28.1).
2. 275 Thorn Avenue, located on the south side of Thorn Avenue, east of Duerr Road, Zoned B-2. 275 Thorn Property LLC is requesting to construct a Warehouse/Office Building, with associated Parking and Site Improvements. (SBL# 172.11-1-5)