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PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on December 20, 2023 at 7:00 PM (local time), regarding a proposed Local Law for the Year 2023. At such time, all interested persons will be given an opportunity to be heard. This local law provides as follows:

Delete current §131-7: Streets closed to certain vehicles

Replacing §131-7 with “Orchard Park Town Residential Truck Traffic Limitation Law of 2023”

Be it enacted by the Town Board of the Town of Orchard Park
§131-7 “Orchard Park Town Residential Truck Traffic Limitation Law of 2023”

LOCAL LAW OF 2023

A Local Law to Limit Truck Traffic on Town Residential Roads in the Town of Orchard Park Pursuant to Section 1660 of the New York State Vehicle & Traffic Law

A. Title:

This local law shall be known as the **"Orchard Park Town Residential Truck Traffic Limitation Law of 2023."**

B. Legislative Intent:

The Town Board of Orchard Park, recognizing the need to protect the safety and well-being of residents and maintain the integrity of residential neighborhoods, hereby enacts this law to limit truck traffic on town residential roads in accordance with the authority granted by Section 1660 of the New York State Vehicle & Traffic Law.

C. Definitions:

For the purpose of this local law, the following definitions shall apply:

(1) **Truck:** Any vehicle, including but not limited to trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, or tractor-trailer-semitrailer combinations, having a total gross weight in excess of ten thousand pounds as permissible by Section 1660(a)(10) of the New York State Vehicle & Traffic Law.

(2) **Town Residential Roads:** Roads within the Town of Orchard Park that are classified as residential, excluding highways maintained by the state of New York or the county of Erie.

D. Limitation of Truck Traffic:

(1) The Town Board of Orchard Park hereby designates all town residential roads, excluding highways maintained by the state of New York or the county of Erie, as restricted areas for trucks, as defined in Section C(1) of this local law, except for the purpose of local delivery or pickup of merchandise or other property.

(2) The exclusion specified in subsection (1) shall be communicated through appropriate signage at the entrances to town residential roads.

E. Exceptions:

(1) The limitation on truck traffic imposed by this local law shall not apply to:

(i) Emergency vehicles responding to emergencies.

- (ii) Vehicles granted permits by the Town Board for essential local pickup or delivery services, as per the provisions of Section 1660(a)(11) of the New York State Vehicle & Traffic Law.

F. Enforcement:

(1) Violation of this local law shall be subject to penalties as provided by applicable state laws.

(2) The Orchard Park Police Department is authorized to enforce the provisions of this local law.

G. Repeal of Prior Laws:

This local law hereby repeals and replaces all prior laws and ordinances of the Town of Orchard Park related to the subject matter herein.

H. Severability:

If any part or provision of this local law or its application to any person or circumstances is adjudged invalid, the judgment shall not affect other provisions or applications of this local law which can be given effect without the invalid part or application.

I. Effective Date:

This local law shall take effect thirty (30) days after filing with the Secretary of State.

Remy C. Orffeo, Town Clerk

November 21, 2023

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WHEREAS, the Town of Orchard Park is in need of an Assessor; and

WHEREAS, Nancy Kenlon has been performing the duties in the Assessor's Office as Interim / Acting Assessor since 10/2/2023; and

WHEREAS, she has shown that she is ready, willing and able to assume the role of Assessor.

NOW, THEREFORE be it

RESOLVED, that The Town of Orchard Park hereby appoints Nancy Kenlon to the Group 3 non-union position of Town Assessor to finish out the previous Assessor's term ending on September 30, 2025 and is able to roll over any remaining vacation days she has into 2024; and be it further

RESOLVED, the effective date of this appointment is January 1, 2024 at a salary of \$85,000.00; and be it further

RESOLVED, she will receive a 3% increase on that rate effective January 1, 2024 making her pay \$87,550.00.

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WHEREAS, the Town of Orchard Park is in need of an Assistant Assessor; and

WHEREAS, Brooke Kirchmeyer has been working in the Assessor Office as a Real Property Appraiser and is ready willing and able to perform the required tasks of an Assistant Assessor.

NOW, THEREFORE be it

RESOLVED, that Brook Kirchmeyer is provisionally appointed to the Step A, White Collar Union Position of Assistant Assessor at a pay range of 0013 effective January 1, 2024 with a payrate of \$34.06.

WHEREAS, the Orchard Park Building and Zoning Department is in need of a part-time clerk;
and

WHEREAS, Marla Fulton has demonstrated the ability and experience to perform the function of a part-time clerk in the Building Inspector's Office; and

WHEREAS, the Building Inspector Tom Minor recommends the hiring of Marla Fulton with a retroactive effective date of December 18, 2023 as a part-time clerk in the Building Inspector's Office.

NOW, THEREFORE be it

RESOLVED, that based on the recommendation of Tom Minor, Building Inspector, Marla Fulton is hereby appointed as a nonunion part-time Building and Zoning Clerk at a rate of \$16.00 per hour, effective December 18, 2023. Start time and days of employment to be determined by the Building Inspector.

TC

RESOLVED, that the Town Board does hereby accept the Bid from Joe Johnson Equipment for the Combination Truck and authorize the Highway Superintendent to sign a letter of Commitment to award the bid contingent upon the satisfactory completion of the equipment inspection.

RESOLVED, that the Town Board does hereby authorize the Highway Superintendent to declare surplus Highway equipment and authorize the Highway Superintendent to sell the equipment; and be it further

RESOLVED, a list of the surplus equipment is on file in the Town Clerk's Office.



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

TOWN ENGINEER
WAYNE L. BIELER, P.E.

December 19, 2023

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

**Re: Proposed Change Order #1
Thorn Avenue Baseball Field Preparation Work**

Dear Board Members:

The Engineering Department is requesting your approval of Change Order #1 to the contract with Zoladz Construction Company, Inc. for Thorn Avenue Baseball Field Preparation work to install a perimeter silt sock for erosion and sedimentation control per NYSDEC Phase II Stormwater regulations. Most of the erosion control will remain in place for the baseball field construction work as well. The additional clearing and balancing of earth work enabled the survey work to be completed and results in a better cost efficient design/bid package for the baseball diamond construction.

This change order would increase the Contract amount by \$3,692.02 to \$32,492.02, representing an increase of 12.8%. There is presently approximately \$324,312 plus interest allocated under Capital Project AP003, Yates Park LL Ball Diamonds for this project.

I, therefore, recommend that you approve Change Order #1 to install a perimeter silt sock to the Contract with Zoladz Construction, 13600 Railroad Street, Alden, New York 14004 for the Thorn Avenue Baseball Field Preparation Project, to increase their contact to the amount not to exceed \$32,498.02.

Respectfully submitted,

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

Cc: Remy Orffeo, Town Clerk
Zoladz Construction Co., Inc.
File 2012.013

Timothy Gallagher, Town Attorney
Drescher & Malecki

S:\Town Projects\Thorn Ave & Duerr Little League Topo\Construction\Payments Zoladz\TB letter for CO1 Silt Sock.doc

Visit the Town's website at www.orchardparkny.org

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Resolution for Transfer of Funds

WHEREAS, the Police Department would like move the amount indicated into the Information Technology budget to fund purchased equipment,

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the following amendments restricted fund balance to provide funding for such equipment:

General Fund:

Increase Information Technology Services; Equipment:		
A01680 50200	IT Equipment	\$ 6,601.13
Decrease Police; Equipment:		
PS3120 50200	Other Equipment	\$ 6,601.13



TOWN OF ORCHARD PARK

S 4295 Buffalo Street □ Orchard Park, New York 14127

MEMORANDUM

A handwritten signature in black ink, appearing to be "W. Bieler", is written over the "From:" line of the memorandum.

To: Honorable Town Board
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: December 20, 2023
Subject: Budget Transfer – Engineering Department

I request that you authorize the following budget transfer within the 2023 Engineering Budget:

\$ 100.00

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50414
(Engineering Training)

AND

\$ 239.95

From: Budget Code: A01440 50200
(Engineering Equipment)

To: Budget Code: A01440 50238
(Engineering GIS & Mapping)

cc: Remy Orffeo, Town Clerk
Tricia Jurek, Accounting
Drescher & Malecki LLP
File

RESOLVED, that the Town Board does hereby approve the presented Site Plan and authorize a building permit to construct a second 4,200 square foot addition to an existing building with regard to Arch Cutting Tools, 5720 Ellis Road, located on the north side of Ellis Road, Zoned I-1, per the plan received on August 17, 2023 based on the following stipulations and conditions :

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF submitted on 9/20/2023 and a Negative Declaration is made.
3. The site lighting is limited to those fixtures and poles indicated on the approved site plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 10/17/23, meets all Green Space regulations with 80% total greenspace. In accordance with Section 144-44(c)(1)(a)(2) a Certified Check amounting to 50% of the \$12,150 Landscaping Estimate Value shall be deposited with the Town Clerk. (\$6,075) Conservation Board approval was granted on 11/7/23.
6. Any future dumpsters shall be screened, in accordance with Section 144-25 of the Town Code.
7. The applicant is to provide the Town of Orchard Park Assessor with an "independent" appraisal for the completed project by a Certified Commercial Appraiser
8. Engineering approval was granted on 11/09/2023.



TOWN OF ORCHARD PARK

MEMORANDUM

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

TC
DATE: 12/15/2023

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

FROM: Anna Worang-Zizzi

SUBJECT: Item for December 20, 2023 - TB Agenda (additional item)

NEW BUSINESS:

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

1. 4000 California Road, located on the west side of California Road, south of Southwestern Blvd. Joseph DeMarco Jr. is requesting to construct an 11,400 sq. ft. warehouse building, Zoned I-1. (SBL #161.03-1-5.11)
2. 3646 California Road, located on the west side of California Road, South of Milestrip Road, Robert and Kelly Dinero are requesting to construct a 2,500 sq. ft. warehouse addition, Zoned I-1. (SBL# 161.05-4-21)
3. 3590 Southwestern Blvd., located on the northwest side of Southwestern Blvd., west of Mid County Drive, Apex Energy Tek is requesting to install EV chargers at Ray Laks Honda, Zoned B-2. (SBL #161.07-5-36.12)

BUILDING DEPARTMENT COPY: Please review above and indicate if any Zoning corrections are needed.

Reviewed by: _____ **Date:** _____

TOWN OF ORCHARD PARK

TC

BUILDING INSPECTOR MONTHLY REPORT

MONTH OF NOVEMBER 2023

BUILDING PERMITS	# OF	VALUE	BUILDING PERMITS	# OF	VALUE
NEW CONSTRUCTION:			ABOVE GROUND POOLS		
SINGLE DWELLING	1	\$550,000.	INGROUND POOLS	2	\$169,000.
DOUBLE DWELLING			DECKS	1	\$50,000.
APT/MULTI-FAMILY			ELECTRICAL	8	\$13,258.
COMMERCIAL			FENCES	3	\$15,414.
ADDITIONS:			GARAGE / BARN / POLE BARN	4	\$126,261.
RESIDENTIAL	1	\$100,000.	GENERATORS	27	\$282,445.
COMMERCIAL	1	\$715,921.	MISC. (OPERATING/ DEMO)	3	\$30,200.
ALTER/REPAIR:			PORCH/PATIO	1	\$25,000.
RESIDENTIAL	4	\$267,354.	SHEDS	2	\$8,600.
COMMERCIAL / TENANT BO	4	\$273,000.	SIGNS	8	\$33,700.
COMMERCIAL MISC.	5	\$149,241.	RESIDENTIAL MISC.	18	\$216,618.
SOLAR PV SYSTEM			TOTAL:	93	\$3,026,012.00

INSPECTIONS	NUMBER OF INSPECTIONS PER ZONE				TOTAL
	1	2	3	4	
TYPE:					
NEW CONSTRUCTION:					
RESIDENTIAL	9	5	1	1	16
COMMERCIAL			3	3	6
ADDITIONS:					
RESIDENTIAL	1	3	5		9
COMMERCIAL				2	2
ALTER/REPAIR:					
RESIDENTIAL	5	5	3	2	15
COMMERCIAL / TENANT BO			5	6	11
ABOVE GROUND POOLS					
INGROUND POOLS					
DECKS	1			1	2
ELECTRICAL					
FENCES	7	1		2	10
GARAGE/BARN/POLE BARN	4		1	2	7
GENERATORS	10	3	2		15
MISC.	2	2	4		8
PROPERTY MAINTANICE	1	6	3	24	34
SHEDS	8				8
SIGNS				2	2
SOLAR PV SYSTEM					
FIRE INSPECTIONS	1	3	10	15	29
CLOSEOUT INSPECTIONS			1	3	4
TOTAL INSPECTIONS:					178

Meetings Attended	Town Board	Planning Board	Z B A	Court
Natalie Nawrocki				
John Wittmann			1	
Tom Minor	4	2	1	
Robert Rendon				

ZONING BOARD OF APPEALS: GRANTED: 1 DENIED: 1 N/A Referred to Planning

REMARKS:

SIGNATURE: 

DATE: 12/7/2023