

Minutes
Village of Orchard Park
Board of Trustees

The regular meeting of the Board of Trustees of the Village of Orchard Park was held on Monday, March 9, 2020 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:

Mayor Jo Ann Litwin Clinton
Deputy Mayor Matthew J. Hartung
Trustee Francis T. Hogenkamp
Trustee James C. Cosgrove
Trustee Lauren A. Kaczor

Others present:

Manager of Public Works Emery Wittmeyer
Clerk-Treasurer Mary Beth Jensen
Code Enforcement John Gullo

Mayor Clinton made the following announcement:

“Fire exits are located at the rear in the Board Room and at the doorway to the lobby. In the event of a fire, you will be notified by announcement on the public address system. If notified, please move in a calm and orderly fashion to the nearest exit.”

A public hearing was scheduled and advertised for this time to allow public comment on that proposed Local Law #3, creating a new chapter of the Municipal Code of the Village of Orchard Park, to be entitled, “Lighting, Artificial”.

Mayor Clinton opened the hearing, giving a brief explanation of the Local Law, noting that copies were available on the front rail.

The Mayor asked three times for supporting comments of the proposed Local Law. There were none.

The Mayor asked three times for opposing comments of the proposed Local Law. There were none.

Moved by Trustee Hartung, seconded by Trustee Kaczor to close the hearing at 7:05pm.

On the question:	4 voting “Aye”	0 voting “Nay”	Carried
	Trustee Hogenkamp		
	Trustee Hartung		
	Trustee Cosgrove		
	Trustee Kaczor		

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp that proposed Local Law #3 be approved, creating a new chapter of the Municipal Code of the Village of Orchard Park, to be entitled, “Lighting, Artificial”, as presented.

SECTION 1: Creating a new chapter for the Municipal Code of the Village of Orchard Park, to be entitled, “Lighting, Artificial”, to read as follows:

Lighting, Artificial

Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GLARE

Any artificial light which shines with a strong or steady light.

LAND

Comprising not only buildings but the ground, soil or earth as commonly understood.

STRUCTURE

A dwelling, pole or elevated object or a building or other structured improvement on any premises of such physical size as to be capable of having attached thereto or incorporated thereon, on the exterior, artificial lighting by means of electrical, gas or other luminescent fixtures.

Purpose; intent.

The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, the Village's unique character, and the ability to view the night sky by establishing regulations and a process for review of exterior lighting

Light sources facing neighboring property.

A.

No artificial lighting shall shine directly upon any neighboring residential property or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

B.

Lights directly facing a neighboring residential property or located in close proximity shall be shielded to keep direct glare from said property.

C.

No sources of light shall be maintained or operated in connection with any building or land in any manner or by any process or method which transmits an objectionable glare on residential property.

D.

In no instance will any glare be permitted if such glare originates from a light source facing any dwelling unit.

E.

The light intensity from illumination of any kind, abutting residential property, shall not exceed seven thousand (7,000) lumens.

Nonconforming lights.

A.

Any existing lights which do not conform to the regulations herein established shall be considered a nonconforming light.

B.

All nonconforming lights shall be discontinued within thirty (30) days from the effective date of this

chapter, and their continued use shall be subject to the regulations of this chapter.

Lighting plan; inspections

A.

When outside lighting is proposed as part of an application for a building permit, variance, or sign permit, in conjunction with new construction, remodeling or alterations, a lighting plan shall accompany the development plan, which shall show:

(1)

A written description, with accompanying plan, which demonstrates the objectives of the lighting.

(2)

The location, height and type of outdoor luminaires on the development drawings.

(3)

A photometric grid in the form of a property layout showing lumen readings within the property or site and illustrating compliance with the shielding, light trespass and other requirements of this section.

(4)

The luminaire manufacturer's specification data, including photographs of the fixtures, lumen output and photometric data showing cutoff angles.

(5)

A total lumen output showing compliance with the total lumens per net acre.

(6)

Photometric data color rendering index (CRI) of all lamps (bulbs).

(7)

Landscaping information that indicates initial and mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

(8)

That light trespass will not occur on adjacent property or public streets. This will be demonstrated by the manufacturer's data, cross-section drawings, or other means to confirm compliance with this section, or as requested by the Village Board and/or Planning Board.

(9)

Control descriptions, including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule.

B.

No exterior lighting shall be altered, enlarged, moved, improved, or converted unless it conforms to a lighting plan approved by the Code Enforcement Officer.

C.

Any change or alteration of nonresidential exterior lighting must be approved by the Village Board and verified, post-installation, by the Code Enforcement Officer, to ensure compliance with all the provisions of this chapter

Legislative authority.

This chapter is enacted pursuant to the authority given any municipality of this state to enact ordinances which the governing body deems necessary and proper for the good government, order

or protection of persons and property and for the preservation of the public health, safety and welfare of the Village of Orchard Park and its inhabitants.

Penalties for offenses.

Any person or persons responsible for such nuisance or annoying lighting as described hereinbefore, whether owner, lessee or lessees or others using any premises with or without the permission of the owner, violating any of the provisions of this chapter shall, upon conviction thereof, a complaint having been made, be subject to a fine not exceeding two hundred fifty dollars (\$250.) or to imprisonment for a term not exceeding fifteen (15) days, or to both fine and imprisonment, in the discretion of the court. Each day a particular violation shall continue to constitute a separate offense.

SECTION 2: EFFECTIVE DATE: This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

On the question:	4 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hogenkamp		
	Trustee Hartung		
	Trustee Cosgrove		
	Trustee Kaczor		

A public hearing was scheduled and advertised for this time to allow public comment on proposed Local Law #4, 2020 to override the tax levy limit established in General Municipal Law §3-c.

Mayor Clinton opened the hearing, explaining that although the Village Board is proposing to authorize overriding the tax levy limit, they are still working on the budget and hope to stay under the cap.

The Mayor asked three times for supporting comments of the proposed Local Law. There were none.

The Mayor asked three times for opposing comments of the proposed Local Law. There were none.

Moved by Trustee Hartung, seconded by Trustee Kaczor to close the hearing at 7:07pm.

On the question:	4 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hogenkamp		
	Trustee Hartung		
	Trustee Cosgrove		
	Trustee Kaczor		

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp that proposed Local Law #4, 2020 be approved as follows:

To override the tax levy limit established in General Municipal Law §3-c.

Adding the following ordinance section:

Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

There were no comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the reports of the Village Justice, Associate Village Justice, Water Department and Treasurer for the month of February be received and filed.

On the question:	4 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hogenkamp		
	Trustee Hartung		
	Trustee Cosgrove		
	Trustee Kaczor		

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer reminded residents to place their brush and leaves in two separate piles at the curb, not in the street, for collection.
- Trustee Kaczor had nothing to report.
- Deputy Mayor Hartung reminded voters that the Village Elections are March 18th from noon to 9pm.
- Trustee Hogenkamp reported that the Village is planning to prune trees in the Village.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton reported that she attended a county informational meeting over the weekend on the coronavirus. The fear and rumors are more dangerous than the disease itself. The groups at risk are the elderly, smokers, and those with compromised immune systems. The Village is washing public areas routinely, like door handles and counters.

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp, that Mayor Clinton be authorized to sign a three-year contract with Waste Management of New York, LLC, the lowest bidder, for Collection, Hauling and Disposal of Mixed Municipal Solid Wastes, Bulky Wastes, and White Goods, and for Collection, Hauling and Processing of Recyclables, for residential one, two and three family homes in the Village of Orchard Park beginning June 1, 2020. The contract may be extended by mutual agreement for an additional three-year term. Solid Waste will be collected weekly and recycling will be collected bi-weekly.

On the question:	4 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hogenkamp		
	Trustee Hartung		
	Trustee Cosgrove		
	Trustee Kaczor		

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that a public hearing be scheduled and advertised for March 23, 2020 at 7 p.m. for review of a Special Use Application by Brian Tefft to operate an eating and drinking establishment at 6413 W Quaker Street.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Moved by Trustee Hartung, seconded by Trustee Kaczor that a public hearing be scheduled and advertised for April 13, 2020 following the annual organizational meeting to review the 2020-2021 tentative budget.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp that the Annual Organizational Meeting be scheduled for April 13, 2020 at 7:00 p.m.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

The next regular meeting is scheduled for March 23, 2020.

Moved by Trustee Hartung, seconded by Trustee Cosgrove to adjourn at 7:22 pm.

On the question: 4 voting "Aye" 0 voting "Nay" Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove
Trustee Kaczor

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer