

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, June 8, 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:

Clerk-Treasurer Mary Beth Jensen
Manager of Public Works Wittmeyer
Attorney Philip M. Marshall
Code Enforcement Officer 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 provide opportunity for public comment on the MS4 (Municipal Separate Storm Sewer Systems) Annual Report. The report has been available for review in the Village Office and on the Village Website.

Mayor Clinton opened the Public Meeting at 7:01 p.m.

Mayor Clinton asked three times for favorable comments, there were none.

Mayor Clinton asked three times for comments in opposition, there were none.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the Public Hearing be closed at 7:02 p.m.

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

Moved by Trustee Hogenkamp, seconded by Trustee Kaczor that the MS4 Annual Report be filed as presented.

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

A Public Hearing was scheduled and advertised for this time to hear public input on a special use application by Brian J Tefft, requesting a change of use for a portion of 6413 W Quaker Street to an eating and drinking establishment.

Mayor Clinton opens the Public Hearing at 7:03 p.m. and because the applicant was not present, gave a brief explanation of the application. The applicant is planning for an ice

cream stand located at the rear of the property, a seasonal operation with no other food. There will be outdoor seating. The Village Planning Board has reviewed the parking, traffic flow and walkway.

Mayor Clinton asks three times for favorable comments.

- Howard Rost (300 S Lincoln Ave) spoke in favor of an ice cream shop

Mayor Clinton asks three times for comments in opposition.

- Clerk Jensen received two letters with concerns relating to the application (attached)

Moved by Trustee Cosgrove seconded by Trustee Kaczor that the Public Hearing be closed at 7:06 p.m.

On the question:	4 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Cosgrove Trustee Kaczor	0 voting "Nay"	Carried
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Moved by Trustee Kaczor, seconded by Trustee Hartung that the Special Use request be authorized, allowing for an eating and drinking establishment at 6413 W. Quaker Street, with the following stipulations:

- There is to be no cooking equipment within the premises (including air fryers, ovens, etc.)
- Hours of operation to fall within 11 a.m. to 9 p.m.
- The ice cream business is limited to the building in the rear of the property.
- The special use is granted for 2 years. After 2 years it will be reviewed by the Village Board, dependent upon following the directives of the Village Planning Board, for renewal of an additional 2 years.

On the question:	4 voting "Aye" Mayor Litwin Clinton Trustee Hartung Trustee Cosgrove Trustee Kaczor	0 voting "Nay"	1 Abstain	Carried
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The applicant arrived and Mayor Litwin Clinton explained that the special use was granted with stipulations.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to accept the minutes of May 11, 2020 as presented.

On the question:	4 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee Cosgrove Trustee Kaczor	0 voting "Nay"	Carried
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Moved by Trustee Hartung seconded by Trustee Cosgrove that the vouchers numbering 3458 to 3491 in Abstract # 20 of fiscal year 2019 – 2020 in the amount of \$60,854.12 and that the vouchers numbering 3492 to 3510 in Abstract # 1 of fiscal year 2020 – 2021 in the amount of \$29,771.97 be paid as presented.

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

Comments from the floor of items not on the agenda:

- Howard Rost (100 S Lincoln Ave) thanked the DPW for putting the benches out and asked if the Village Budget has needed any modifications due to the pandemic.
 - Mayor Litwin Clinton explained that the new budget started on June 1 and there have not been any budget adjustments yet for 2020-2021. If the budget is adjusted, it will be by Village Board resolution and the Mayor will acknowledge if the adjustment is due to the pandemic. She explained that the budget adjustments on the agenda tonight are for the 2019-2020 fiscal year. Some of the Village revenues have been affected, for example loss of court fees and sales tax, but at this point the Village is doing ok.

Moved by Trustee Hartung, seconded by Trustee Kaczor that the reports of the Village Justice and Associate Village Justice for the months of March, April and May be received and filed; and the reports of the Water Department and Treasurer for the month of May be received and filed.

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

- Code Enforcement Officer John Gullo had nothing to report.
- Manager of Public Works Wittmeyer had nothing to report.
- Trustee Kaczor reported that there was a great turn out at the Food Drive Saturday and thanked all who participated.
- Deputy Mayor Hartung reported that
 - The DPW will be painting fire hydrants this summer.
 - There are new stop signs on Stonehenge at Pheasant. Please be aware and plan to stop while driving on Stonehenge.
 - Erie County has scheduled a Hazardous Waste drop-off event. Check the Village Website for more information.
- Trustee Hogenkamp also volunteered at the food drive on Saturday.
- Trustee Cosgrove had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Attorney Marshall had nothing to report.
- Mayor Clinton reported
 - There have been complaints regarding the noise from the water tower project. The sand blasting should be completed Wednesday.
 - The Village was granted an extended time period by the Governor to collect taxes without penalty. The Village taxes are due July 22, 2020.

Moved by Trustee Kaczor, seconded by Trustee Cosgrove that the following budget adjustments be authorized for the 2019-2020 fiscal year:

Increase budget for the following General Expenses:

- Clerk-Treasurer payroll by \$2,031.82
- Office Expense by 760.89
- Computer and Copier Expense by 479.02
- Central Garage Equipment by 250.94
- Central Garage Computer by 298.69
- Unallocated Insurance by 25.59
- Street Administration Equipment by 14.57

Decrease budget for the following General Expense:

- Contingency by \$3,861.52

Increase budget for the following Water Expenses:

- Unallocated Insurance by \$ 46.17
- Source of Supply by 1,128.91
- Transmission Electricity by 29.11

Decrease budget for the following Water Expense:

- Contingency by \$ 1,204.19

Increase budget for Garbage Contractual by \$ 4,506.69

- Offset by a decrease in fund balance by \$ 4,506.69

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

The next regular meeting is scheduled for June 22, 2020.

Moved by Trustee Hartung, seconded by Trustee Cosgrove to adjourn at 7:18 p.m.

Respectfully submitted

Mary Beth Jensen
Village Clerk-Treasurer

July 27, 2020

In response to the Special Use Application of the property at 6413 West Lusk St., D.P. N.Y. I would like to say that first & foremost, this is primarily a Residential / Professional office neighborhood. This particular locale is presently occupied by Attorneys, Architects, Optometrists, a CPA firm, Opticians & most importantly single family residences with currently residing Children & Grandchildren as frequent visitors.

An application to use this property for an eating & drinking establishment leaves options open that I feel are incompatible with the area. Therefore, considering the current occupants of this neighborhood, I would strongly, firmly & vigorously like to see this Special use Application denied.

Respectfully,
Candra Dugan

March 18, 2020
6398 W. Quaker Rd.
Orchard PK, NY 14127

Mayor/Village Board
Municipal Bldg.
S. Buffalo St.
Orchard PK, NY 14127

Dear Sir,

I live at 6398 W. Quaker St.
Orchard Park.

I do not approve of change
of use of ice cream shop,
eating place or bar on W.
Quaker St.

This is a residential and
professional neighborhood.
Let's keep it that way.

Sincerely,
Magdeline Hayman