

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 26, 2023, 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 Lauren Kaczor Rodo  
Trustee Dale T. Pyne  
Trustee David N. Even

Others present:

Clerk-Treasurer Mary Beth Jensen  
Manager of Public Works Wittmeyer  
Attorney Philip M. Marshall

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 hear public comment on a proposed Local Law amending Chapter 169-3. Mayor Clinton opened the hearing, explaining that this revision is replacing the words “Clerk Treasurer” with “Code Enforcement Officer”; and “Town Assessor” with “Erie County Department of Real Property Tax”.

Mayor Clinton asked 3 times for comments in favor. There were none.

Mayor Clinton asked 3 times for comments in opposition. There were none.

Moved by Trustee Even, seconded by Trustee Kaczor Rodo to close the hearing at 7:02 p.m.

On the question:   4 voting “Aye”       0 voting “Nay”       Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that proposed Local Law #10, 2023 be approved as presented:

**SECTION I: Amend 169-3 to read:**

**§ 169-3 Failure of owner or occupant to comply; enforcement procedures.**

In case the owner or occupant of real property located within the Village of Orchard Park shall fail to comply with §§ **169-1** and **169-2** of this chapter, the Village Code Enforcement Officer upon direction of the Board of Trustees, shall cause to be served upon such owner or occupant, by mail, a written notice requiring such owner or occupant to comply with the provisions of this chapter. If such owner or occupant fails, neglects or refuses to so comply within five days after service of such notice, the Director of Public Works shall cause the cutting and/or removal of the brush, grass, weeds or rubbish and trash. In any such case, the owner or occupant of such real property shall pay to the Village all costs in connection with such cutting and/or removal, together with a service charge of 50% thereof to cover supervision and administration, within 30 days after completion thereof. Upon failure of such owner or occupant to pay such costs, the Director of

Public Works shall report same to the Board of Trustees, who shall certify such costs to the Erie County Department of Real Property Tax, and thereupon such costs shall become a lien upon the real property involved and shall be added to and become a part of the taxes next to be assessed and levied upon such real property and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes.

**SECTION II: Effective date**

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

On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending Chapter 225. Mayor Clinton opened the hearing at 7:03 p.m., explaining that this revision is adding a zoning type for Residential, High – Density.

Mayor Clinton asked 3 times for comments in favor. There were none.  
Mayor Clinton asked 3 times for comments in opposition. There were none.

Moved by Trustee Hartung, seconded by Trustee Pyne to close the hearing at 7:04 p.m.

On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

Moved by Trustee Pyne, seconded by Trustee Even that proposed Local Law #11, 2023 be approved as presented:

**SECTION I: Add to Section 225-6: R-5 Residential, High - Density**

**SECTION II: Amend Section 225-21(B)(1)(a) to read:**

(a) A building permit for one-family dwelling and permitted accessory uses in R-1, R-2, R-3, R-4 and R-5 shall be issued by the Code Enforcement Official on his or her own authority. The Code Enforcement Official, at his or her discretion, may refer any application to the Planning Board for review and recommendations.

**SECTION III: Amend Section 225-21(B)(1)(b) to read:**

(b) Building permits for other permitted principal uses and related accessory uses in R-1, R-2, R-3, R-4, R-5 and all building permits for permitted principal uses and related accessory uses in B-1, B-2 and I-1 shall be issued by the Code Enforcement Official after site plan review and approval by the Planning Board.

**SECTION IV: Add R-5 to Chapter 225, Schedule I:**

District: R-5 Residential High-Density

Purpose: To delineate areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan for the Village of Orchard Park. To upgrade the character of all residential areas in the village by requiring standard of land use and lot size which more accurately reflect existing development. To protect the integrity of residential areas by prohibiting the incursion of incompatible uses. Continuing the walkable community concept.

Permitted Principal Use: One-family dwelling. Recreation areas maintained by New York State, Erie County, or the Village of Orchard Park.

Permitted Accessory Use: Uses customarily incidental to the principal uses, such as private garages, private swimming pools, private tennis courts. Off-street parking.

Special Use: Community facilities (see 225-16)

**SECTION V: Add R-5 to Chapter 225, Schedule II:**

One-Family

Area Square Foot: 8900

Minimum Lot Dimensions:

Area Per Dwelling: 8900

Width: 80

Depth: 125

Minimum Yard Dimensions:

Front: 30

Side: 8/12 – 10/10

Rear: 50

Maximum Height of Buildings:

Stories: 2-1/2

Feet: 35

Maximum Lot Coverage: 15

Minimum Habitable Floor Area: 1200

**SECTION VI: Effective date**

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

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung

Trustee Kaczor Rodo

Trustee Pyne

Trustee Even

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law adding a new chapter to the Code of Orchard Park. Mayor Clinton opened the hearing at 7:05 p.m., explaining that this revision is adding a Chapter to Village Code titled Cannabis, explaining in detail restrictions of Cannabis distribution in the Village.

Mayor Clinton asked 3 times for comments in favor. There were none.

Mayor Clinton asked 3 times for comments in opposition. There were none.

Moved by Trustee Even, seconded by Trustee Kaczor Rodo to close the hearing at 7:06 p.m.  
On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that proposed Local Law #12, 2023 be approved as presented.

**SECTION I: Add a new Chapter to the Village of Orchard Park Municipal Code, entitled, Cannabis**

No person or business shall distribute for sale or sell at wholesale or retail or deliver to consumers any cannabis, cannabis product, medical cannabis or cannabinoid hemp or hemp extract product as defined in New York State Cannabis Law within the Village of Orchard Park, nor permit on-site consumption of such cannabis or cannabis product, nor locate or operate a retail cannabis dispensary within the Village of Orchard Park. Any person who shall violate any provision of this Chapter shall be punished as provided in Chapter 1, Article III of this Code.

**SECTION II: Effective date**

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

On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to accept the minutes of June 12, 2023 as presented.

On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the vouchers numbering 6442 to 6463 in Batch #188 of fiscal year 2023-2024 in the amount of \$62,980.61 be paid as presented.

On the question: 4 voting "Aye" 0 voting "Nay" Carried  
Trustee Hartung  
Trustee Kaczor Rodo  
Trustee Pyne  
Trustee Even

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

- Manager of Public Works Wittmeyer updated information on the timing of roadwork on S Meadow and Allen and Argyle.
- Trustee Kaczor Rodo reminded voters of the upcoming primary election. She also reported on the guidelines for political signs.

- Deputy Mayor Hartung had nothing to report.
- Trustee Pyne had nothing to report.
- Trustee Even had nothing to report.
- Attorney Marshall had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton had nothing to report.

Moved by Trustee Hartung, seconded by Trustee Pyne that a public hearing be scheduled and advertised for July 10, 2023 at 7:00 p.m. to hear public comment on the following proposed Local Law of 2023:

- Amend the Code of the Village of Orchard Park, Chapter 169, Property Maintenance, Section 2 entitled Duty of owner or occupant

On the question:    4 voting "Aye"        0 voting "Nay"        Carried  
                           Trustee Hartung  
                           Trustee Kaczor Rodo  
                           Trustee Pyne  
                           Trustee Even

Moved by Trustee Pyne, seconded by Trustee Even that a public hearing be scheduled and advertised for July 10, 2023 at 7 p.m. for review of a Special Use Application to operate an eating and drinking establishment at 4211 N Buffalo Street.

On the question:    4 voting "Aye"        0 voting "Nay"        Carried  
                           Trustee Hartung  
                           Trustee Kaczor Rodo  
                           Trustee Pyne  
                           Trustee Even

Moved by Trustee Even, seconded by Trustee Kaczor Rodo that Mayor Clinton be authorized to sign the following Special Events Contracts, providing certificates of insurance are received:

- David Obrochta Celebration of Life on June 8, 2023
- Town of Orchard Park 4<sup>th</sup> of July Fireworks on July 4, 2023

On the question:    4 voting "Aye"        0 voting "Nay"        Carried  
                           Trustee Hartung  
                           Trustee Kaczor Rodo  
                           Trustee Pyne  
                           Trustee Even

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung that the following budget adjustments be authorized for fiscal year 2023-2024:

INCREASE budget for Fuel Tanks Capital Project expense by        \$16,500.00  
 INCREASE budget for transfer from General to Capital by        \$16,500.00

On the question:    4 voting "Aye"        0 voting "Nay"        Carried  
                           Trustee Hartung  
                           Trustee Kaczor Rodo  
                           Trustee Pyne  
                           Trustee Even

The next regular meeting is scheduled for July 10, 2023.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to adjourn.

On the question: 4 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung

Trustee Kaczor Rodo

Trustee Pyne

Trustee Even

Respectfully submitted,

Mary Beth Jensen, Village Clerk-Treasurer