

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, July 8, 2024 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

Others present:

Deputy Clerk-Treasurer Heather Tucciarone-Richeal
Manager of Public Works Wittmeyer
Attorney Philip M. Marshall
Code Enforcement Officer John Gullo

Members Excused:

Trustee David N. Even

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 166 of the Municipal Code of the Village of Orchard Park. Mayor Clinton postponed the public hearing until September 9, 2024.

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending Chapter 225 of the Municipal Code of the Village of Orchard Park.

Mayor Clinton opened the hearing at 7:01 p.m. and explained that the purpose of this hearing is to update the Village of Orchard Park Zoning map to include recently annexed properties into the Village.

Mayor Clinton asked 3 times for positive comments on the proposed amendments. There were none.

Mayor Clinton asked 3 times for negative comments on the proposed amendments. There were none.

Moved by Trustee Hartung, seconded by Trustee Pyne to close the hearing at 7:02 p.m.

On the question:	3 voting “Aye” Trustee Hartung Trustee Kaczor Rodo Trustee Pyne	0 voting “Nay”	Carried
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Moved by Trustee Pyne, seconded by Trustee Kaczor Rodo that the following Local Law be approved as follows:

Amend the Orchard Park Village Code, Chapter 225, Zoning, as follows:

Whereas, Local Law #7 of the year 2024 annexed certain territories from the Town of Orchard Park to the Village of Orchard Park, and

Whereas, the Zoning Map of the Village of Orchard Park Municipal Code Chapter 225-7 does not encompass the annexed territories referenced in Local Law 7 of the year 2024;

Now therefore, be it resolved that the Zoning Map of the Village of Orchard Park is hereby amended to encompass the territories referenced in Local Law #7 of the year 2024 and that said territories shall be zoned as follows:

R-1 (Residential Low-Density)

- 172.04-2-11
- 172.20-1-1
- 172.20-1-3
- 162.18-3-27.11
- 162.18-3-28.1
- 162.18-3-29.1
- 173.07-1-18

R-2 (Residential Low-Density)

- 172.08-4-24
- 161.20-7-8.1

B-1 (Commercial)

- 173.13-1-8
- 173.13-1-10
- 173.13-1-11
- 173.13-1-12.1
- 173.13-1-12.2
- 173.17-2-1
- 173.17-2-2
- 162.13-2-17
- 162.13-2-15.1
- 162.13-2-14

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo to accept the minutes of June 24, 2024 as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the vouchers numbering 7076 to 7097 in Batch #227 of fiscal year 2024-2025 in the amount of \$50,885.41 be paid as presented.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Comments from the floor of items not on the agenda

- John Lutz (41 Larned Ln)
 - Mr. Lutz is concerned with health risks from particles and gases being emitted into the air from neighbors burning wood in fire pits in their yard.
 - Code Enforcement Officer John Gullo stated that he did speak to the neighbor and provided them with the Village of Orchard Park pamphlet on approved fire pits. He also advised Mr. Lutz that if the police are contacted and find the smoke to be a nuisance to neighbors, they can have it extinguished.
 - Mr. Lutz is also concerned with vehicles speeding in the Village, especially on 20A (East and West Quaker St.)
 - Mayor Clinton advised Mr. Lutz that Village Board has recently discussed this and is looking into options for slowing traffic.

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that the report of the Village Associate Justice for the month of May, and reports of the Water Department and Treasurer for the month of June be received and filed.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

- Manager of Public Works Wittmeyer reported that Village has hired a new employee and would like to welcome Logan Griffin to the Department of Public Works.
- Code Enforcement Officer John Gullo had nothing to report.
- Trustee Kaczor Rodo had nothing to report.
- Deputy Mayor Hartung had nothing to report.
- Trustee Pyne thanked the Department of Public Works for all of their help with the July 4th parade and for the great job maintaining the Village's hanging flower baskets and beds.
- Deputy Clerk Treasurer Richeal had nothing to report.
- Attorney Marshall had nothing to report.
- Mayor Clinton had nothing to report.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung, that pursuant to Village Law §4-408(e) the Village Board has completed an audit of the records and annual report of the Village Treasurer and found them to be properly accounted for and in order.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Pyne that a Public Hearing be scheduled and advertised for September 9, 2024 at 7:00 p.m. to hear public comment on a Local Law amending Chapter 154 of the Village of Orchard Park Code, entitled "Noise".

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Pyne that a Public Hearing be scheduled and advertised for September 9, 2024 at 7:00 p.m. to hear public comment on a Local Law amending Chapter 200 of the Village of Orchard Park Code, entitled "Stop Intersections".

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Pyne that a Public Hearing be scheduled and advertised for September 9, 2024 at 7:00 p.m. to hear public comment on a Local Law amending Chapter 166 of the Village of Orchard Park Code, entitled "Peddlers and Solicitors".

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that a joint hearing of the Village and Town of Orchard Park be scheduled on August 12, 2024 at 6:30 p.m. to hear comments from all persons interested in the annexation petitions of 2 parcels from the Town into the Village of Orchard Park.

- 172.20-1-19 4940 Chestnut Ridge Rd., Orchard Park NY 14127 by Kenneth M. Brownsten and Jessica L. Brownsten
- 172.20-1-18 4950 Chestnut Ridge Rd., Orchard Park NY 14127 by 4950 Chestnut Ridge LLC

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Pyne, seconded by Trustee Kaczor Rodo that Clerk-Treasurer Jensen be authorized to pay all vouchers submitted by the end of July, after review by Mayor Clinton or Deputy Mayor Hartung.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Kaczor Rodo, seconded by Trustee Pyne that the following budget adjustments be authorized for fiscal year 2024-2025:

Increase Budget for

- Other C and R for Elderly expense by \$86.01
- NYSERDA Grant Funding Revenues \$10,000.00
- Clean Energy Project Expense \$10,000.00

Decrease Budget for

- Youth Programs expense by \$86.01

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Hartung, seconded by Trustee Kaczor Rodo that

WHEREAS, a resolution was passed by the Village Board of Orchard Park, New York on October 23, 2023, and by the Town Board of Orchard Park, New York on October 4, 2023, for the annexation of certain territories in the Town of Orchard Park to the Village of Orchard Park, including to wit:

- 4095 N. Buffalo Rd. 162.13-2-2
- 4065 N. Buffalo Rd. 162.13-2-1

WHEREAS a public hearing was held at 4295 South Buffalo Street, Orchard Park, New York on November 13, 2023, and

WHEREAS, the annexation of the above listed territories was approved unanimously by both the Village and Town Boards and the annexations were determined to be in the public interest,

NOW THEREFORE, BE IT RESOLVED that the above listed territories are annexed into the Village of Orchard Park and the Village Clerk will file this Local Law with the Town Clerk of Orchard Park, the Village Clerk of Orchard Park, the Erie County Clerk and the New York Secretary of State.

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

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Moved by Trustee Pyne, seconded by Trustee Kaczor Rodo that a Public Hearing be scheduled and advertised for August 12, 2024 at 7:00 p.m. to hear public comment on a Local Law amending Chapter 225 of the Village of Orchard Park Code, entitled "Zoning".

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

The next regular meeting is scheduled for August 12, 2024.

Moved by Trustee Kaczor Rodo, seconded by Trustee Hartung to adjourn at 7:19 pm.

On the question: 3 voting "Aye" 0 voting "Nay" Carried

Trustee Hartung
Trustee Kaczor Rodo
Trustee Pyne

Respectfully submitted,
Heather Tucciarone-Richeal, Deputy Clerk-Treasurer