

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 10, 2017 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 Jonathan E. McNatty

Others present:

Dir. Of Public Works Michael P. Murphy  
Clerk-Treasurer Mary Beth Jensen  
Code Enforcement James Larivey  
Attorney Philip M. Marshall

Members absent:

Trustee William D. Reuter

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 special use application by Orchard Park Square, LLC (4391 S Buffalo St). Applicant is requesting permission to demolish an existing single family dwelling and to erect 4 townhouses in a single structure.

Mayor Clinton opened the meeting at 7:01 and commented that the submitted application did not reference demolition and requested the first page to be re-submitted. She also asked that more detail within the application be submitted.

Mayor Clinton explained that the Planning Board meeting was delayed in July due to the Independence Day holiday and they have not made their referral to the Village Board regarding these applications. Therefore, the public hearings on these applications will be held, but no action will be taken by the Village Board tonight. The Planning Board meeting is scheduled for tomorrow (Tuesday, July 11<sup>th</sup>) and the application and plans are available for review in the Village Office, if anyone is interested in more information.

Mayor Clinton invited the applicant to step forward and give an explanation of the request.

- Kevin Walsh (1327 Underhill Road, East Aurora), Attorney, gave a brief overview of the application. He explained that they are proposing a single structure containing four (4) townhouses with garages.

Mayor Clinton asked three times for comments in favor of the application. There were none.

Mayor Clinton asked three times for comments in opposition of the application.

Those who spoke were:

- Michael Capriotto (7123 E. Quaker) representing Woodlawn Cemetery.
- Howard Rost (300 S Lincoln Ave)
- Emery Wittmeyer (4415 S Buffalo St)
- Dr. Greg Wollen (4407 S Buffalo St)
- Julie Carroll (4415 S Buffalo St)

Comments included:

- Some concerns were prefaced as not opposition, but concerns that they felt necessary to address.
- Increased density on the parcel will cause more hardships for Woodlawn Cemetery, including more maintenance and upkeep.
- Would recommend a permanent barrier be addressed between the cemetery and apartment complex to define property boundaries and discourage current issues (ie: using cemetery road for parking and driving on grass area to get into complex parking lot)
- More townhouses are not a good fit for the Village.
  - Structures are older, but can be repaired rather than demolished and rebuilt.
  - High ratio of apartments in the Village, compared to residential homes.
  - R4 zoning – necessary to keep residential feel and character.
  - Size is much larger than current building.
  - People are attracted to the different kinds of houses in the Village.
- Removal of trees and greenspace will
  - Cause more drainage issues for neighbors
  - Decrease privacy for neighbors
  - Cause wildlife (ie: mourning doves) to settle somewhere else
  - Encourage residents of the complex to use neighbors' lawns to walk their pets.
  - Eliminate historic value (pear tree that is original)
- Where will the snow be plowed? How will the melting snow piles impact drainage?
- Infringe on privacy of neighboring homes.
  - Balconies
  - Lighting
  - Tree removal
- More traffic puts children in area at risk.

Moved by Trustee Hartung, seconded by Trustee McNatty to close the public hearing at 7:25 p.m.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee McNatty	0 voting "Nay"	Carried
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A public hearing was scheduled and advertised for this time to hear public comment on a special use application by Orchard Park Square, LLC (4403 S Buffalo St). Applicant is requesting permission to demolish an existing single family dwelling and to erect a new structure with a financial planning business on the first floor and a single family dwelling on the second floor.

Mayor Clinton opened the public hearing at 7:27 p.m.

The petitioner was invited to give an overview of the request. Attorney Walsh said that the single family home on the parcel will be demolished and replaced by a new building with a first floor business and an apartment on the second floor. This parcel will also allow for 7 additional parking spaces.

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

Mayor Clinton asked 3 times for unfavorable comments on the request:

Those who spoke were:

- Howard Rost (300 S Lincoln Ave)
- Emery Wittmeyer (4415 S Buffalo St)
- Dr. Greg Wollen (4407 S Buffalo St)

Comments included:

- No need for more apartments.
- Not in the best interest of the Village.
- Trees that will be taken down cannot be replaced.
- Wildlife will be lost.
- Questions regarding the variance and the proximity to neighboring property.
- Drainage issues, currently and potential for more.
- Are setbacks being addressed?
- Increased lot coverage will change the character of the neighborhood.
- When neighboring properties were purchased, the park like setting was part of the reason. Changing this feel will reduce neighboring property values.
- Necessary to maintain character and not allow a concrete jungle to develop.

Moved by Trustee Hogenkamp, seconded by Trustee Hartung to close the public hearing.

On the question:	3 voting "Aye" Trustee Hartung Trustee Hogenkamp Trustee McNatty	0 voting "Nay"	Carried
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Moved by Trustee Hogenkamp, seconded by Trustee McNatty to accept the minutes of June 26, 2017 as presented.

On the question:	3 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee McNatty		

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the vouchers numbering 1673 to 1697 in Abstract #3 of 2017-2018 in the amount of \$43,575.39 be paid as presented.

On the question:	3 voting "Aye"	0 voting "Nay"	Carried
	Trustee Hartung		
	Trustee Hogenkamp		
	Trustee McNatty		

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

Moved by Trustee Hartung, seconded by Trustee McNatty that the reports of the Village Justice, Assistant Village Justice, 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 Hogenkamp		
	Trustee McNatty		

- Code Enforcement Officer James Larivey had nothing to report.
- Director of Public Works Murphy had nothing to report.
- Trustee McNatty had nothing to report.
- Deputy Mayor Hartung reported on the Summer in the Park celebrations coming up at the end of July.
  - Ice Cream Social is July 28<sup>th</sup>
  - Street Dance is July 29<sup>th</sup>
- Trustee Hogenkamp reported that
  - the Touch a Truck fundraiser was a success.
  - the sidewalks at the Train Depot are scheduled to be replaced, but will not be done for the Ice Cream Social.
  - the beer and wine sales at the Street Dance help offset the cost of the band. He encouraged all who attend to purchase their beverages and support the event, not to bring their own.
- Attorney Marshall had nothing to report.
- Clerk Treasurer Jensen had nothing to report.
- Mayor Clinton had nothing to report.

Authorization of month end vouchers was on the agenda for this time, but the Village Board has additional business this month, so Mayor Clinton asked that a second meeting be scheduled.

Moved by Trustee McNatty, seconded by Trustee Hogenkamp that a Village Board meeting be scheduled for July 24, 2017 at 7:00 p.m.

On the question:           3 voting "Aye"                   0 voting "Nay"           Carried  
Trustee Hartung  
Trustee Hogenkamp  
Trustee McNatty

Moved by Trustee Hartung, seconded by Trustee McNatty that the Orchard Park Jaycees be authorized to close South Lincoln Avenue from West Quaker Street to Argyle Street on Saturday, September 16, 2017 from 8:30 AM to 6:00 PM and Sunday, September 17, 2017 from 8:30 AM to 5:00 PM for the 55th annual Quaker Arts Festival. The Orchard Park Police and Orchard Park Fire Company are to be notified. The next regular meeting is scheduled for.

On the question:           3 voting "Aye"                   0 voting "Nay"           Carried  
Trustee Hartung  
Trustee Hogenkamp  
Trustee McNatty

The next Village Board meeting is July 24, 2017 at 7:00 p.m.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:40 p.m.

Respectfully submitted,

Mary Beth Jensen  
Village Clerk-Treasurer