

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 2nd day of October 2024 at 6:25 PM, the meeting was called to order by Supervisor Eugene Majchrzak and there were:

PRESENT AT ROLL CALL:

Eugene Majchrzak	Supervisor
Joseph Liberti	Councilmember
Julia Mombrea	Councilmember
Scott Honer	Councilmember
John Mariano	Councilmember
Remy Orffeo	Town Clerk
Timothy D. Gallagher	Town Attorney
Tom Minor	Building Inspector
Absent Patrick Fitzgerald	Chief of Police
Andrew Slotman	Highway Superintendent
Wayne Bieler	Town Engineer

Supervisor Majchrzak read into the record the following: “If anyone appearing before the Town Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State Law and the Town Code of Ethics.”

1) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Regular Meeting Minutes: September 18, 2024 and be it further

RESOLVED, that the reading of these minutes be dispensed with as each member of the Town Board has previously received copies thereof.

The resolution was unanimously adopted.

PUBLIC HEARING

Proposed Local Law Amending §144-6 by establishing a new Zoning District: DR-2

At 7:00PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the proposed Local Law Amending §144-6 by establishing a new Zoning District:DR-2 .

Affidavits of Publication and Posting of the Legal Notice of the Public Hearing were presented, and read aloud, and filed with the Town Board by the Town Clerk.

Supervisor Majchrzak asked if anyone is interested in speaking in favor of establishing a new Zoning District: DR-2.

Merry Wokasien came forward to speak in favor of establishing a new Zoning District DR-2.

Darlene Bodhorn spoke in favor of establishing a new Zoning District DR-2.

Rosalind Wiltse spoke in favor of establishing a new Zoning District DR-2 and submitted her written remarks to Town Clerk Remy Orffeo.

Cherie Carducci spoke in favor of establishing a new Zoning District DR-2.
Jon Pierowicz spoke in favor of establishing a new Zoning District DR-2.

Kevin Bieler spoke in favor of establishing a new Zoning District DR-2.

Don Lorentz spoke in favor of establishing a new Zoning District DR-2.

John Henderson spoke in favor of establishing a new Zoning District DR-2.

Mark Ebeling of Danny's South spoke in favor of establishing a new Zoning District DR-2.

****Councilmember Liberti gave a presentation on the rezoning maps****

Supervisor Majchrzak asked if anyone is interested in speaking opposed to establishing a new Zoning District: DR-2.

Louis Boehm came forward to speak against establishing a new Zoning District DR-2 and submitted his written remarks to Town Clerk Remy Orffeo.

Jim Grucella spoke against establishing a new Zoning District DR-2.

Richard Meister spoke against establishing a new Zoning District DR-2.

Doug Bellus spoke against establishing a new Zoning District DR-2.

Andrew Duman spoke against establishing a new Zoning District DR-2.

Sharon O'Connor spoke against including South Benzing Road in the proposed establishment of new Zoning District DR-2

David O'Rourke spoke requesting more transparency in the complicated issue of establishing a new Zoning District DR-2.

David Bugenhagen spoke against establishing a new zoning District DR-2.

James Serwinowski spoke against including the Sterling/Lake Avenue area in the proposed establishment of new Zoning District DR-2.

Joe Deil spoke against including any area other than the old NFL Stadium in the establishment of new Zoning District DR-2.

Brian Podleski spoke against establishing a new Zoning District DR-2 adjacent to residential backyards.

Joe Russ spoke against establishing a new Zoning District DR-2.

Johanna Rozler spoke against including South Benzing Road in the proposed establishment of new Zoning District DR-2.

Michele Magaris asked for more clarification on the map changes and suggested rezoning in phases.

Sandra Bugenhagen questioned map changes and spoke against establishing a new Zoning District DR-2.

Mr. Patel spoke against establishing a new Zoning District DR-2.

Mark Lester spoke against the removal of his properties from the most recent map of the proposed new Zoning District DR-2. He is in favor of establishing a new Zoning District DR-2 that would include his properties.

Debbie May spoke against establishing a new Zoning District DR-2.

Todd Van Hoff spoke against establishing a new Zoning District DR-2.

Kim Koscielniak spoke against establishing a new Zoning District DR-2.

2) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby close the Public Hearing for proposed Local Law 2024-02 Amending §144-6 by establishing a new Zoning District: DR-2 at 8:27PM.

The resolution was unanimously adopted.

Councilmember John Mariano spoke regarding the proposed new Zoning District DR-2 and thanked all residents for their input.

Councilmember Julia Mombrea spoke regarding the proposed new Zoning District DR-2 and thanked all residents for their input.

Councilmember Scott Honer spoke regarding the proposed new Zoning District DR-2 and thanked residents for attending the meeting.

Councilmember Joseph Liberti spoke regarding the proposed new Zoning District DR-2 and thanked residents for attending the meeting.

Supervisor Eugene Majchrzak spoke regarding the proposed new Zoning District DR-2 and thanked residents for attending the meeting.

Supervisor Majchrzak, Councilmember Liberti & Councilmember Honer asked Town Attorney Timothy Gallagher for his opinion regarding voting for the proposed new Zoning District DR-2, considering the proposed boundary lines have changed since publication of the Legal Notice.

Town Attorney Timothy Gallagher cautioned the Town Board and suggested tabling the vote due to the boundary line map changes since publication of the Legal Notice.

3) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, following due and timely notice, a public hearing relating to the matter of Local Law 2024-02 was conducted on October 2, 2024, at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board is hereby authorized to adopt Local Law 2024-02, this local law shall take effect immediately upon filing with the New York State Secretary of State and is adopted as follows:

CHAPTER 144. ZONING

§ 144-6 Establishment of Districts

[Amended 7-15-1987; 11-15-1995; 2-16-2000]

A. For the purpose of promoting the public health, safety. Morals and general welfare of the Town of Orchard Park, the Town is hereby divided into the following types of districts:

- A-1 Agricultural
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- B-1 Commercial
- B-2 Commercial
- B-3 Commercial
- B-4 Commercial
- I-1 Industrial
- L-C Land Conservation
- D-R Development and Research
- DR-2 Development and Research-2
- SR Senior Residential

**§ 144-7 ZONING MAP
[Amended 7-7-1993]**

Said districts are bounded as shown on the map entitled "Zoning Map of the Town of Orchard Park," adopted July 7, 1993, and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.⁽¹⁾

[1]

Editor's Note: the Zoning Map is on file in the office of the Town Clerk.

ZONING

144 Attachment 14-A

Town of Orchard Park

Schedules of Use Controls

DR-2 Development and Research

Permitted Principal Uses

Eating and Drinking Establishments, Deli Butcher Shop, Fish Shop, Farmers Markets, Bakeries, Ice Cream Shops, Enclosed Amusement Uses, including, but not limited to: Pool Parlors, Arcades, Bowling Alleys, Skating Rinks, Indoor Movie Theaters, other similar uses with Planning Board Approvals, Mixed-use building, max height of building 3 stories or 42 feet, mixed-use development is limited to 2nd & 3rd floors plus a max of 2 units located on the 1st floor. The first floor shall be a minimum of 75% commercial square footage, no restrictions on commercial establishments in mix use and adult use business are prohibited, Hotels, max height of 4 stories or 56 feet. Parking garages for development of Hotels and mix-use only

Permitted Accessory Uses

Off-street parking signs
Other accessory uses customarily incidental to the principal use
Outdoor storage, as approved by the Planning Board, with adequate screening
Monument signage only

Special Exception Uses

Drive-in service facility

Prohibited Uses

Commercial or private self-storage unit
Pedestal signs

144 Attachment 15
Town of Orchard Park

Supplemental Height, Lot, Yard, and Bulk Regulations

[Added 12-6-1989; amended 4-27-2011 by L.L. No. 1-2011; 7-15-2015 by L.L. No. 4-2015; 5-1-2019 by L.L. No. 4-2019; 5-4-2022 by L.L. No. 4-2022]

	Minimum Lot Dimensions				Minimum Yard Dimensions								
	Area (square feet)	Area Dwelling Unit (square feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)	Rear for Accessory Buildings (feet)	Minimum Habitable Floor Area	Maximum Height of Buildings (stories, feet)	Maximum Height Accessory Areas (feet)	Maximum Lot Coverage	
Multifamily	4 acres	6 units per acre (maximum)	—	—	50 ¹	30 ²	50 ²			2 30		20%	
B-1 Commercial	20 acres ³		—	—	50	4	20			2 1/2	35	40%	
B-2 Commercial			80	150	50	4	20			2 1/2	35	40%	
B-3 Commercial			80	150	50	4	20			2 1/2	35	40%	
B-4 Commercial			80	150	50	4	20			2 1/2	35	40%	
I-1 Industrial			150	200	50		20			2 1/2	40	40%	
D-R Development and Research	1 acre		100		20	20	20			(Separate schedule)	35	35	40%
D-R-2 Development and Research	1 acre		150	200	50	25	40			4 Hotels 3 Mix- Use	56 42	56 742	40% 40%

NOTES:

- 1 No building closer than 75 feet to boundary, of special exception used.
- 2 No building closer than 75 feet to any property line.
- 3 Twenty-acre requirement shall apply to submitted principal use only and shall not apply to special exception use.
- 4 A ten-yard setback is required in all B Zones unless in a shopping center or business center where buildings on different lots are connected.
- 5 Twenty feet where adjoining any residence.
- 6 The Supplemental Height Lot, Yard and Bulk Regulations shall apply to any subdivision lot which has not received concept approval on the date of the adoption of this schedule and to any newly created lot which is filed in the Erie County Clerk's office after the date of the adoption of the schedule. The Supplemental Height Lot, Yard and Bulk Regulations shall apply to any subdivision lot for which a preapplication plan is submitted after the date of the adoption of this schedule. Any lot newly created by a deed which is recorded in the Erie County Clerk's office after the date of adoption of this schedule shall be subject to the Supplemental Height Lot, Yard, and Bulk Regulations.
- 7 The two numbers separated by a "/" designate the following. The first number indicates the minimum setback for either side setback. The second number indicates the minimum total side setback for the combined side setbacks.
- 8 When an Industrial or Development and Research Zones abuts a residential or agricultural zone, the minimum rear setback shall be 40 feet.

§ 144-16.1. Mix Use Developments.

Mix use developments will only be in the DR-2 Zone only as described herein.

A. The purpose of a mixed-use development use permit is to guide the future establishment of mixed-use developments within the Town of Orchard Park. Mixed-use developments shall not be considered an "as of right" use within any zoning classification.

B. The Town Board shall determine the Town-wide placement of such a multiple-family development based upon its design features, and its impacts upon the community character, infrastructure, and fiscal sustainability of the Town.

C. The intent of this section is to provide design standards to ensure that mixed-use developments are properly integrated into the character of the Town of Orchard Park by providing for:

- (1) Preservation of valuable commercial property within the Town for development of commercial uses.
- (2) Preservation of open space.
- (3) Harmony with the rural and suburban character and scenic qualities of the Town.
- (4) Facilitation of interconnectivity within the mixed-use development between commercial and residential components.
- (5) Facilitation of cross access between the development and surrounding properties.
- (6) Facilitation of the adequate extensions of roads, walkways, and utilities.

D. Mixed-use developments in Commercial and Restricted Development Research — 2 Zones.

(1) In order to preserve the long-term viability of the Commercial, and DR-2 zoning classifications for commercial uses, provide a balance to residential growth in the community, and avoid the concentration of mixed-use developments in a particular area of the Town, the maximum number of mixed-use developments that can be approved on any shall be restricted as follows:

(a) Mixed-use developments will only be allowed on properties with sewer access as approved by the Town Board. The maximum density for multiple family developments with sanitary sewer access shall be up-to four (4) units per acre.

(b) Where feasible and appropriate, mixed-use developments may be considered on properties without sanitary sewer access. The maximum on-site waste treatment allowance determination shall be consistent with the approvals of regulatory agencies and the Town Engineer, including residential and projected commercial waste. The maximum number of residential units that can be developed on properties without sewer access in a mixed-use development shall be four, Town of Orchard Park, NY (4) units per acre with a maximum total number of eight units.

- (c) A minimum of 50% of the property shall be committed to commercial uses. Onsite integration between residential and commercial components is required. The required commercial component shall be in such a way as to front the public right-of-way.
- (d) The density calculation and total number of residential units is only to be determined by the residential component of that portion of project site being utilized for the mixed-use development.
- (e) Within the residential component, there shall be a maximum of four (4) residential units per building. Upon recommendation of the Planning Board, the Town Board may consider exceptions to maximum residential units per building, as documented by the applicant for purposes relating to the physical or developmental health needs or government-recognized financial needs of the intended occupants.
- (f) Buildings within a mixed-use development shall be limited to a maximum of two-stories.
- (g) Exclusively residential buildings within a mixed-use development shall have a sufficient setback from the fronting road to preserve the open character of the Town. The required front yard setback area shall be enhanced with landscaping to ensure a visual buffer. Where appropriate, exclusively residential buildings shall be located to the rear of the required commercial component or integrated through a mixed-use format.
- (h) All mixed-use developments shall have pedestrian connectivity integrating the site with its surrounding environment. Where appropriate, sidewalks or recreational trails shall be created, extended, and connected to existing or planned off-site sidewalks or trails.
- (2) Mixed-use developments will require 40% of the overall development to be preserved as permanent open space.
- (3) Part or all the required commercial component can be preserved as open space for later commercial development. This open space reserved for commercial use is in addition to the 30% required for the overall development.
- (4) Upon recommendation of the Planning Board, the Town Board will designate the area of the development that is to be reserved for commercial use as open space at the time of the approval of the special exception use permit.
- (5) Mixed use design incentive.
- (a) Within the minimum 50% of the development committed to commercial uses, mixed use designs may be allowed through an incentive density of up to four (4) residential units per acre.

(b) Mixed use designs within the commercial component shall require a minimum of 75% of the first-floor square footage to be dedicated to permitted commercial uses.

(6) Transfer incentive.

(a) A transfer incentive of two (2) additional residential units may be placed within the commercial component in a mixed-use design for every one (1) unit removed from the residential component.

(7) General design standards.

(a) All on-site roads and driveways shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrance and exit access roads and driveways shall not be closer than 100 feet to any existing road intersection.

(b) Each design or, construction phase of any mixed-use development must meet the density requirements as herein established.

(c) Mixed-use developments that adjoin a road shall have at least 75% screening running the length of the right-of-way, parallel to the road frontage.

(d) All mixed-used developments shall have an area, or areas, devoted to recreational use by the residents. Such recreational space shall have a total area equal to a minimum of 15% of the overall development. Part or all such space shall be in the form of developed recreation areas to be usable for recreational purposes. The 15% recreational areas may be counted as a part of the 40% total open space requirement for such projects. The owner of the property shall maintain the recreational area.

(e) Buildings used in whole or part for single-family residential purposes, exclusive of accessory buildings, porches, entries, garages, and terraces, shall contain no less than 900 square feet of usable living space if a one-story detached building, nor less than 600 square feet of usable first floor living space if more than one (1) story. No such building shall contain less than 800 square feet of usable living space for each one-bedroom family unit or apartment; 920 square feet of usable living space for each two-bedroom family unit or apartment; and 1,120 square feet of usable living space for each three-bedroom family unit or apartment.

(8) Small-scale retail uses in the DR-2 Zone exception.

(a) Under special circumstances, the Town Board, upon recommendation of the Planning Board, may allow small-scale retail uses within the DR-2 Zone in conjunction with mixed-use design. These special circumstances would include:

[1] Each business should complement and service the residents of the development, and contribute to the character of the DR-2 Zone.

[2] For mixed use design proposals that do not have predetermined small-scale retail tenants or defined uses at the time of submission, the overall area designated for small-scale retail will be considered for approval subject to future use permits as approved on a case-by-case basis by the Planning Board at the time when a tenant or defined use has been proposed.

(b) Furthermore, to maintain small-scale retail units that uphold the intent of the DR-2 Zone, additional retail restrictions would include but not be limited to:

[1] Limited vehicular traffic generation consistent with DR-2 Zone.

[2] Architectural and design standards consistent with DR-2 Zone. The construction of new buildings, additions, alterations, or renovations within the DR-2 Zone should add life and vibrancy to the existing neighborhood. New design must be carried out in such a way that it complements rather than detracts from the streetscape.

New construction, additions, alterations, or renovations should mirror the window and door rhythm and the height of various elements (windows, rooflines, etc.) of the adjacent and other buildings on the street.

Massing. New buildings should incorporate the same general patterns of massing, including window and door forms, roof profiles and building shapes as are evident in the existing architecture of the District.

Materials. New buildings should incorporate the same exterior materials as exist on current buildings within the District. Large expanses of glass and synthetic materials should be avoided. The use of wood, composite wood, or cementitious material is recommended.

Rooftop plumbing, vents, ducts, and air-conditioning and heating equipment, communication antennas, and other mechanical or electrical equipment must be located away from public view and screened in such a manner so as not to be visible from any angle or any height outside of the building. Exposed mechanical equipment, such as through-wall and window air conditioners, vent pipes, electrical conduit, and boxes, is not permitted on the street face or on any side elevation that is visible from the street.

[3] No automotive uses, including but not limited to sales, part sales, service, rental, collision, body repair, detailing and fueling.

[4] No drive-through facilities.

[5] No outside display.

(c) An applicant shall have the right to petition the Zoning Board of Appeals of the Town of Orchard Park in the event of a denial of the small-scale retail use permit by the Planning Board. The Zoning Board of Appeals of the Town of Orchard Park, after public notice and a hearing,

may approve, deny, or vary/modify the application of this section in harmony with its general purpose and intent.

(d) All on-site roads and driveways shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrance and exit access roads and driveways shall not be closer than 80 feet to any existing road intersection.

(e) Each design and construction phase of any mixed-use development must meet the density requirements as herein established.

(f) Mixed use developments that adjoin a road shall have significant screening running the length of the right-of-way, parallel to the road frontage.

(g) All mixed-use developments shall have an area or areas devoted to recreational use by the residents. Recreational uses shall be defined as pedestrian accommodations and improvements intended to beautify the property fronting the public right-of-way. Such features include, but are not limited to, benches, planters, and bike racks.

METES AND BOUNDS OF ADOPTED REZONING:

Adopted rezoning description from Residential 3 zone to Business 2 zone located at the east side of Abbott Road and south side of Velore Avenue

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot no. 446, Township 10, Range 7 of the Buffalo Creek Indian Reservation and bounded and described as follows:

Intending to describe the outer perimeter of a present Residential 3 zone to be rezoned to Business 2 zone area for the Town of Orchard Park as follows:

BOUNDED on the west by the centerline of Abbott Road, having a width of 66.0 feet;

BOUNDED on the south by the south line of mapcover no. 956 and its westerly extension thereof and more specifically the south line of subplot no. 803 and its westerly extension thereof and the south line of subplot no. 804 of said mapcover;

BOUNDED on the east by the east line of subplot no. 804 of said mapcover no. 956;

BOUNDED on the north by the south line of Velore Avenue, having a full width of 50.0 feet, and its westerly extension thereof:

Intending to describe the outer perimeter of a Proposed rezoning area from a current Residential 3 zone to a Business 2 zone located at the east side of Abbott Road and south side of Velore Avenue.

The above description includes the entirety of the following parcel and the easterly half of Abbott Road created by the westerly extensions of the respective north and south property lines of said parcel:

- Lands conveyed to Debbie M. Rosiek and Nancy A. Rosiek, as Joint Tenants with the right of survivorship, by a deed recorded in the Erie County Clerk's Office in Liber 10972 of Deeds at Page 1052 and a portion of which is designated as S.B.L. 151.16-3-2.

The above described rezone area is compiled from existing deeds of records and miscellaneous maps and not intending to be used for surveying or conveyancing.

Adopted rezoning description containing Business 1 and industrial 1 zones to be rezoned as Development/Research 2 located southwest at Benzing Road and Milestrip Roads area

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot nos, 29 and 30, Township 10, Range 7 of the Buffalo Creek Indian Reservation and described as follows:

BEGINNING at a point at the centerline of Benzing Road having a full width of 49,5 feet, distant 870,20 feet north of the intersection With the north line of Webster Corners Road aka Transit Road as measured along said centerline of Benzing Road, said centerline of Boozing Road being the east line of the said Lot no, 29, said point being the northeast corner of lands conveyed to Eugene E, Schott by a deed recorded in the Erie County Clerk's Office in Liber 5058 of Deeds at Page 384;

THENCE; Westerly through the said Lot no, 29 and along the north line of said lands conveyed to Schott, a distance of 250 feet to a point, said point being the northwest corner of said lands of Schott;

THENCE; Southerly, continuing through the said Lot no, 29 and along the west line of said lands conveyed to Schott, a distance of 65 feet to a point on the north line of lands conveyed to John and Julia Thron by a deed recorded in the Erie County Clerk's Office in Liber 1148 of Deeds at Page 423;

THENCE; Westerly, continuing through the said Lot no, 29 and along the north line of said lands conveyed to Thron and the westerly extension thereof to a point on the centerline of The CSX Railroad Company, formerly The Baltimore and Ohio Railroad Company and formerly The Buffalo, Rochester and Pittsburgh Railroad Company;

THENCE; Northwesterly, continuing through the said Lot no, 29 and along the said centerline of The CV Railroad Company to a point on the west line of said Lot no, 29, said point also being on the east line of said Lot no, 30;

THENCE; Northwesterly, through the said Lot no, 30 and continuing along the said centerline of The CSX Railroad Company to a point on the north line of said Lot no, 30, said point also being on the original centerline of Milestrip Road;

THENCE; Easterly, along the said north line of Lot no, 30 and along the said original centerline of Milestrip Road to a point at the northeast corner of said Lot no, 30, said point also being the northwest corner of said Lot no, 29;

THENCE; Easterly, continuing along the north line of said Lot no, 29 and along the said original centerline of Milestrip Road to a point at the northeast corner of said Lot no, 29, said point being on the northerly extension of the said centerline of Boozing Road;

THENCE; Southerly, along the said northerly extension of the centerline of Benzing Road and the said centerline of Benzing Road and along the said east line of Lot no, 29 to the POINT OR PLACE OF BEGINNING,

Intending to describe the outer perimeter of a newly created rezone area for the Town of Orchard Park compiled from existing deeds of records and miscellaneous maps and not intending to be used for surveying or conveyancing,

Adopted rezoning description containing Industrial 1 and Business 1 zones to be rezoned as Development/Research 2 and located at the northwest corner of Milestrip Road and Southwestern Boulevard including S.B.L. 152.19-1-25.132

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot nos. 18, 19 & 24, Township 10, Range 7 of the Buffalo Creek Indian Reservation and described as follows:

BEGINNING at the southwest corner of lands conveyed to Orchard Park Commerce Center, Inc. by a deed recorded in the Erie County Clerk's Office in Liber 10292 of Deeds at Page 476, said southwest corner also being the southwest corner of said lot no. 18, said corner also being the northwest corner of said lot no. 19, said corner also being on the east line of said lot no. 24;

THENCE: Northerly along the west line of said lot no. 18, the west line of said lands of Orchard Park Commerce Center, Inc. and the said east line of lot no. 24 to a point on the northwest line of lands conveyed to The Town of Orchard Park by a deed recorded in the Erie County Clerk's Office in Liber 10912 of Deeds at Page 5834 for Windward Road, having a full width of 60.0 feet, said point being the southeast corner of lands conveyed to 4050 Seneca Street, Inc. by a deed recorded in the Erie County Clerk's Office in Liber 11428 of Deeds at Page 4293;

THENCE: Southwesterly leaving the said lot lines nos. 18 & 24 and leaving the said west line of lands of Orchard Park Commerce Center, Inc. and along the said northwest row of Windward Road and the southeast line of said lands of 4050 Seneca Street, Inc., a distance of 114.13 feet to a point of curvature;

THENCE: Southwesterly along said northwest row of Windward Road and the southeast line of said lands of 4050 Seneca Street, Inc., and along a curve to the right, having a radius of 491.00 feet, an arc distance of 243.15 feet to a point of tangency;

THENCE: Westerly along the north row of Windward Road and the south line of said lands of 4050 Seneca Street, Inc., a distance of 208.86 feet to a point, said point being the southwest corner of said lands conveyed to 4050 Seneca Street, Inc., said point also being 423.42 feet easterly of the northwest corner of said lands of The Town of Orchard Park and Windward Road as measured along said north row;

THENCE: Northerly along the west line of said lands of 4050 Seneca Street, Inc., a distance of 457.67 feet to the northwest corner of said lands of 4050 Seneca Street, Inc.;

THENCE: Easterly along the north line of said lands of 4050 Seneca Street, Inc., a distance of 550.90 feet to the northeast corner of said lands of 4050 Seneca Street, Inc. on the said east line of lot no. 24 and the said west line of lot no. 18;

THENCE: Northerly along the east line of said lot no. 24 and along the west line of said lot no. 18 and along the west line of said lands of Orchard Park Commerce Center, Inc. to a point, said point being 385.11 feet south of the north line of said lot no. 18;

THENCE: Easterly along the north line of said lands of Orchard Park Commerce Center, Inc. and parallel with the said north line of lot no. 18, a distance of 1000.00 feet to a point;

THENCE: Northerly along a west line of said lands of Orchard Park Commerce Center, Inc. and parallel with the west line of said lot no. 18, a distance of 196.35 feet to a point;

THENCE: Easterly along a north line of said lands of Orchard Park Commerce Center, Inc. and parallel with the said north line of lot no. 18, a distance of 600.00 feet to a point;

THENCE: Southerly along an east line of said lands of Orchard Park Commerce Center, Inc., a distance of 971.56 feet to a point, said point being 100.00 feet north of the south line of said lot no. 18, said south line also being the north line of lot 19;

THENCE: Easterly along a north line of said lands of Orchard Park Commerce Center, Inc. and parallel with the said south line of lot no. 18 to a point on the centerline of Southwestern Boulevard, having a full width of 100.00 feet;

THENCE: Southwesterly along the said centerline of Southwestern Boulevard to the intersection with the south line of said lot no. 19, said south line also being the original centerline of Milestrip Road;

THENCE: Westerly along the said south line of lot no. 19 and the original centerline of Milestrip Road to the southwest corner of said lot no. 19, said corner also being the southeast corner of lot no. 24, said corner also being the southwest corner of Parcel "B" of lands conveyed to Liberatore Management Group II, LLC. by a deed recorded in the Erie County Clerk's Office in Liber 11339 of Deeds at Page 1391;

THENCE: Northerly along the west line of said lot no. 19, the west line of said Parcel "B" of said lands of Liberatore Management Group II, LLC. and the east line of lot 24 to a point on the south line of lands conveyed to The Town of Orchard Park by a deed recorded in the Erie County Clerk's Office in Liber 10918 of Deeds at Page 9698;

THENCE: Northerly continuing along the west line of said lot no. 19, the west line of said Parcel "B" of lands of Liberatore Management Group II, LLC. and the east line of lot 24 and through the said lands conveyed to The Town of Orchard Park, a distance of 1.00 feet more or less to a point on the north line of latter said lands conveyed to The Town of Orchard Park;

THENCE: Northerly continuing along the west line of said lot no. 19, the west line of said Parcel "B" of lands of Liberatore Management Group II, LLC. and the east line of lot 24 to the northwest corner of said Parcel "B" of lands of Liberatore Management Group II, LLC., said point being a total distance of 234.67 feet north of the said southwest corner of lot no. 19 as measured along the said west line of lot no. 19, said northwest corner of said Parcel "B" also being the southwest corner of Parcel "C" of said lands conveyed to Liberatore Management Group II, LLC. by said deed;

THENCE: Northerly continuing along the west line of said lot no. 19, the west line of said Parcel "C" of lands of Liberatore Management Group II, LLC. and the east line of lot 24, a distance of 101 feet to the northwest corner of said Parcel "C" of lands of Liberatore Management Group II, LLC., said northwest corner of said Parcel "C" being the southwest corner of lands conveyed to V.V.M.M., LLC by a deed recorded in the Erie County Clerk's Office in Liber 11006 of Deeds at Page 2890;

THENCE: Northerly continuing along the west line of said lot no. 19, the west line of said lands conveyed to V.V.M.M., LLC and the east line of lot 24, a distance of 1061.16 feet more or less to the said northwest corner of lot no. 19 and said point of beginning, said point also being the northwest corner of said lands conveyed to V.V.M.M., LLC.

Excepting, from the above description, lands conveyed to The Town of Orchard Park within the bounds of Windward Road, having a full width of 60.0 feet, by a deed recorded in the Erie County Clerk's Office in Liber 10912 of Deeds at Page 5834.

Intending to describe the outer perimeter of a newly created re-zone area for the Town of Orchard Park compiled from existing deeds of records and not intending to be used for surveying or conveyancing.

Adopted rezoning description containing Residential 1, Residential 3, Residential 4, Business 2 and Industrial 1 zones to be rezoned as Development/Research 2 located at and around the area of Highmark Stadium

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot nos. 31, 32, 39 and 40, Township 9, Range 7 of the Holland Land Company's Survey (so called), and described as follows:

BEGINNING at a point at the centerline of Big Tree Road, distant about 1401.7 feet west of the intersection with the centerline of Abbott Road as measured along said centerline of Big Tree Road, said point of beginning also being on the west line of the Town of Orchard Park *and* the east line of The Town of Hamburg, said west line also being on the west line of the said lot no. 39, said point being the southwest corner of lands conveyed to Daniel L. Childress and Julie K. Childress by a deed recorded in the Erie County Clerk's Office in Liber 11217 of Deeds at Page 8851;

THENCE: Northerly along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg, the said west line of lot no. 39 and the west line of said lands conveyed to Childress and the northerly extension thereof to a point, said point being a corner of the lands conveyed to the County of Erie by a deed recorded in the Erie County Clerk's Office in Liber 8521 of Deeds at Page 585, said corner being distant 270.00 feet north of the north line of Big Tree Road as measured along the said town lines;

THENCE: Northerly through the said lands conveyed to The County of Erie along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg and the said west line of lot no. 39 and continuing along the west line of said lot no. 40 to a point, said point being the southwest corner of lands conveyed to Northstar Development- Realty, Inc. by a deed recorded in the Erie County Clerk's Office in Liber 10969 of Deeds at Page 2693, said point also being a corner of the said lands conveyed to the County of Erie, said corner being distant 362.35 feet south of the south line of Southwestern Boulevard as measured along the said town lines;

THENCE: Northerly along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg, the said west line of lot no. 40, the west line of said lands of Northstar Development-Realty, Inc. and the east line of said lands conveyed to the County of Erie, a distance of 362.35 feet to a point on the southeast line of Southwestern Boulevard, having a width of 100 feet, said point also being the northwest corner of said lands of Northstar Development- Realty, Inc., said point also being a northeast corner of said lands conveyed to the County of Erie;

THENCE: Northerly along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg, the said west line of lot no. 40, and across Southwestern Boulevard to a point on the northwest line of Southwestern Boulevard, said point being the southwest corner of lands conveyed to Dennis P. Przybl and Rita M. Przybl by a deed recorded in the Erie County Clerk's Office in Liber 11266 of Deeds at Page 4696;

THENCE: Northerly along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg, the said west line of lot no. 40 and the west line of said lands conveyed to Przybl, a distance of 336.45 feet to a point, said point being the northwest corner of said lands conveyed to Przybl, said corner also being the southwest corner of parcel "A" of the lands conveyed to Jeffrey P. Anderson and Tammy L. Anderson by a deed recorded in the Erie County Clerk's Office in Liber 11116 of Deeds at Page 2977;

THENCE: Northerly along the said west line of the Town of Orchard Park, the said east line of The Town of Hamburg, the said west line of lot no. 40 and the west line of said parcel "A" of lands of Anderson to a point distant 350.00 feet northwesterly from the centerline of Southwestern Boulevard, measured at right angles;

THENCE: Northeasterly, through the following seventeen properties and parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to the southeast line of Sheldon Road, having a width of 66.0 feet:

- Said parcel "A" and parcel "B" of the lands conveyed to Jeffrey P. Anderson and Tammy L. Anderson by a deed recorded in the Erie County Clerk's Office in Liber 11116 of Deeds at Page 2977
- The lands conveyed to Joshua E. Roman by a deed recorded in the Erie County Clerk's Office in Liber 11361 of Deeds at Page 6051
- The lands conveyed to Daniel J. Wozniak and Rachel A. Wozniak by a deed recorded in the Erie County Clerk's Office in Liber 11026 of Deeds at Page 7239
- The lands conveyed to Francis A. Vanderbosch and Barbara Vanderbosch by a deed recorded in the Erie County Clerk's Office in Liber 7892 of Deeds at Page 527
- The lands conveyed to Pamela A. Thomas by a deed recorded in the Erie County Clerk's Office in Liber 11178 of Deeds at Page 5642
- The lands conveyed to Robert J. Pocobello by a deed recorded in the Erie County Clerk's Office in Liber 11095 of Deeds at Page 6034
- The lands conveyed to Zenon M. Katrij, Jr. by a deed recorded in the Erie County Clerk's Office in Liber 11281 of Deeds at Page 5777
- The lands conveyed to Sasa Corhasanovic and Milena Corhasanovic, as life tenant by a deed recorded in the Erie County Clerk's Office in Liber 11231 of Deeds at Page 715
- The lands conveyed to Douglas Barry and Daniel Horan, as joint tenants by a deed recorded in the Erie County Clerk's Office in Liber 11415 of Deeds at Page 8726
- The lands conveyed to Douglas M. Bellus by a deed recorded in the Erie County Clerk's Office in Liber 11413 of Deeds at Page 5260
- The lands conveyed to Joseph F. Gill, Jr. and Elizabeth N. Phillips-Gill by a deed recorded in the Erie County Clerk's Office in Liber 11200 of Deeds at Page 9463

- The lands conveyed to Susanne M, Sheridan by a deed recorded in the Erie County Clerk's Office in Liber 11316 of Deeds at Page 3091
- The lands conveyed to Emily E, Smith by a deed recorded in the Erie County Clerk's Office in Liber 114 i of Deeds at Page 32S3
- The lands conveyed to Martin J, Hallinan and Jacquelyn A. Hallinan, as life tenant by a deed recorded in the Erie County Clerk's Office in Liber 11416 of Deeds at Page 7799
- The lands conveyed to Tam Minh Nguyen and Thanh Banh by a deed recorded in the Erie County Clerk's Office in Liber 11153 of Deeds at Page 3704
- The parcel "B" and first described parcel of lands conveyed to James McAndrew by a deed recorded in the Erie County Clerk's Office in Liber 11233 of Deeds at Page 3526
- The parcel "4" of lands conveyed to 3575 Southwestern Boulevard, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11402 of Deeds at Page 1222

THENCE; Northeasterly, across said Sheldon Road and continuing parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to the northwest line of said Sheldon Road;

THENCE; Northeasterly, through the lands conveyed to Leitzan Enterprises, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11065 of Deeds at Page 2756, and continuing parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to the west line of Abbott Road, having a width of 66.0 feet;

THENCE Northeasterly, across said Abbott Road and continuing parallel with the said centerline of Southwestern Boulevard, distant 350,00 feet northwesterly therefrom, measured at right angles, to the east line of said Abbott Road;

THENCE: Northeasterly, through the following seven properties and parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to the south line of East Abbott Grove Avenue, having a width of 50.0 feet:

- The lands conveyed to S-3519 Southwestern Blvd, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11251 of Deeds at Page 9351
- The lands conveyed to Jason Johnson by a deed recorded In the Erie County Clerk's Office in Liber 11336 of Deeds at Page 3419
- The lands conveyed to Richard C, Pocobello and Wendy A, Pocobello by a deed recorded in the Erie County Clerk's Office in Liber 10916 of Deeds at Page 6237
- The lands conveyed to Dominic S. Mirando and Elaine K. Mirando by a deed recorded in the Erie County Clerk's Office in Liber 9475 of Deeds at Page 668
- The lands conveyed to Andrew F. Duman and Amyrnarie Duman by a deed recorded in the Erie County Clerk's Office in fiber 11323 of Deeds at Page 4440

- The lands conveyed to Ronald Planter by a deed recorded in the Erie County Clerk's Office in Liber 11330 of Deeds at Page 2529
- The lands conveyed to John H. Farr and Kenneth M. Farr, as joint tenants by a deed recorded in the Erie County Clerk's Office in Liber 11001 of Deeds at Page 412

THENCE: Northeasterly, across said East Abbott Grove Avenue and continuing parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to the north line of said East Abbott Grove Avenue;

THENCE: Northeasterly, through the following four properties and parallel with the said centerline of Southwestern Boulevard, distant 350.00 feet northwesterly therefrom, measured at right angles, to a point on the east line of lands conveyed to Silvia E. Fakler by a deed recorded in the Erie County Clerk's Office in Liber 11071 of Deeds at Page 491, said point also being on the west line of lands conveyed to Gerald A. Struck and Carol A. Struck, his wife by a deed recorded in the Erie County Clerk's Office in Liber 7078 of Deeds at Page 39:

- The lands conveyed to Joseph Richard Schaffer by a deed recorded in the Erie County Clerk's Office in Liber 11250 of Deeds at Page 722
- The lands conveyed to Shawn M. Martz and Nadine M. Karaga, as joint tenants by a deed recorded in the Erie County Clerk's Office in Liber 11146 of Deeds at Page 2555
- The lands conveyed to Gregory C. Day by a deed recorded in the Erie County Clerk's Office in Liber 11010 of Deeds at Page 9544
- The lands conveyed to Silvia E. Fakler by a deed recorded in the Erie County Clerk's Office in Liber 11071 of Deeds at Page 491

THENCE: Northerly along the said east line of lands conveyed to Fakler and the said west line of lands conveyed to Struck to a point at the northwest corner of lands conveyed to Struck, said point being on the centerline of Webster Road having a width of 66.0 feet, said centerline being the north line of said lot no. 40;

THENCE: Easterly along the said centerline of Webster Road and along the said north line of lot no. 40 to the northeast corner of said lot no. 40, said corner also being the northwest corner of said lot no. 32;

THENCE: Easterly along the said centerline of Webster Road and along the said north line of lot no. 32 to the intersection with the centerline of California Road, having a width of 66.0 feet;

THENCE: Southeasterly along the said centerline of California Road to the intersection with the said centerline of Southwestern Boulevard;

THENCE: Southeasterly continuing along the said centerline of California Road as it runs through said lot no. 32 and then into and through said lot no. 31 to the intersection with the said centerline of Big Tree Road;

THENCE: Westerly through said lot no. 31 and along the said centerline of Big Tree Road to a point on the west line of said lot no. 31, said point also being on the east line of said lot no. 39;

THENCE: Westerly through said lot no. 39 and along the said centerline of Big Tree Road to a point at the northwest corner of lands conveyed to Yellow Brick, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11319 of Deeds at Page 6066, said point also being the northeast corner of lands conveyed to David R. Bugenhagen and Sandra Bugenhagen by a deed recorded in the Erie County Clerk's Office in Liber 11301 of Deeds at Page 499, said point being 481.41 feet easterly of the intersection of the centerline of Big Tree Road and the centerline of Abbott Road as measured along the said centerline of Big Tree Road;

THENCE: Southerly along the west line of said lands of Yellow Brick, LLC and the east line of said lands of Bugenhagen, a distance of 273.53 feet to the southeast corner of said lands of Bugenhagen, said corner also being the northeast corner of lands conveyed to Gary J. Trella by a deed recorded in the Erie County Clerk's Office in Liber 11315 of Deeds at Page 5357;

THENCE: Southerly along the west line of said lands of Yellow Brick, LLC and the east line of said lands of Trella, a distance of 85 feet to the southeast corner of said lands of Trella, said corner also being the northeast corner of lands conveyed to Yellow Brick, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11302 of Deeds at Page 3755;

THENCE: Westerly along the south line of said lands of Trella and the north line of latter said lands of Yellow Brick, LLC, a distance of 481.41 feet to a point on the said centerline of Abbott Road, said point being a distance of 358.53 feet south of the intersection of the centerline of Abbott Road with the said centerline of Big Tree Road as measured along the centerline of Abbott Road;

THENCE: Northerly along the said centerline of Abbott Road to a point on the easterly extension of the centerline of Penhurst Street, having a width of 50.0 feet;

THENCE: Westerly along the said easterly extension and the centerline of Penhurst Street, a distance of 546 feet to a point on the said centerline of Penhurst Street with the intersection of the southerly extension of the west line of lands conveyed to Jonathan V. Anderson and Patricia L. Anderson by a deed recorded in the Erie County Clerk's Office in Liber 10953 of Deeds at Page 4615, said west line also being the east line of lands conveyed to Fred E. Rorick, Jr. by a deed recorded in the Erie County Clerk's Office in Liber 11083 of Deeds at Page 9519;

THENCE: Northerly along the said southerly extension and the said west line of the lands of Anderson and the said east line of Rorick, Jr, a distance of 175 feet to the northwest corner of said lands of Anderson, said corner also being the northeast corner of said lands of Rorick, Jr., said corner also being a point on the south line of lands conveyed to Mark D. Ebeling by a deed recorded in the Erie County Clerk's Office in Liber 11410 of Deeds at Page 9412;

THENCE: Easterly along the north line of said lands of Anderson and the said south line of lands of Ebeling to the southeast corner of said lands of Ebeling, said corner also being the southwest corner of lands conveyed to 4300 Abbott Road, Inc. by a deed recorded in the Erie County Clerk's Office in Liber 10931 of Deeds at Page 7438;

THENCE: Northerly along the west line of said lands of 4300 Abbott Road, Inc. and the east line of said lands of Ebeling and the northerly extension of said west and east lines to the said centerline of Big Tree Road;

THENCE: Westerly along the said centerline of Big Tree Road to the POINT OR PLACE OF BEGINNING;

Intending to describe the outer perimeter of a newly created re-zone area for the Town of Orchard Park compiled from existing deeds of records and miscellaneous maps and not intending to be used for surveying or conveyancing.

Adopted rezoning description from Residential 3 zone to Business 2 zone
located on the east side of Abbott Road between Milestrip Road and Brookview Terrace area

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York, being part of Lot no. 30, Township 10, Range 7 of the Buffalo Creek Indian Reservation and bounded and described as follows:

Intending to describe the outer perimeter of a newly created re-zone area for the Town of Orchard Park as follows:

BOUNDED on the west by approximately 927 feet by the centerline of Abbott Road;

BOUNDED on the south by approximately 917 feet along the south line of lands conveyed to George P. Gallagher by a deed recorded in the Erie County Clerk's Office in Liber 9815 of Deeds at Page 144 and designated as S.B.L. 161.05-1-13;

BOUNDED on the east by approximately 1254 feet along the centerline of The South Branch of Smokes Creek as it wanders and now located;

BOUNDED on the north by approximately 427 feet along the north line of lands conveyed to Sachel V, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11375 of Deeds at Page 6104 and designated as SBL:161.05-1-3.2, said line also being the south line and the extension thereof of lands conveyed to E.F.B. Enterprises, Inc. by a deed recorded in the Erie County Clerk's Office in Liber 9796 of Deeds at Page 550;

Intending to describe the outer perimeter of a newly proposed re-zone area for the Town of Orchard Park presently designated as Residential 3 zoning and to be changed to Business 2 zone and the above described rezoned area is compiled from existing deeds of records and miscellaneous maps and not intending to be used for surveying or conveyancing.

The above description includes a portion and/or the entirety of the following parcels:

- Lands conveyed to George P. Gallagher by a deed recorded in the Erie County Clerk's Office in Liber 9815 of Deeds at Page 144 and designated as S.B.L. 161.05-1-13;
- Lands conveyed to Robert V. Jagodzinski by a deed recorded in the Erie County Clerk's Office in Liber 10548 of Deeds at Page 709 and designated as S.B.L. 161.05-1-12;
- Lands conveyed to Richard W. Meister, Life Tenant, Edward V. Meister and Andrew C. Hilton III, as Trustees of the Richard W. Meister Trust Dated July 08, 2013 as remainderman by a deed recorded in the Erie County Clerk's Office in Liber 11263 of Deeds at Page 7626 and designated as S.B.L. 161.05-1-11;
- Lands conveyed to Lisa M. Canton and Diana Balistreri, as Joint Tenants with the right of Survivorship by a deed recorded in the Erie County Clerk's Office in Liber 11180 of Deeds at Page 6450 and designated as S.B.L. 161.05-1-10;
- Lands conveyed to Gary E. Brown, Jr. and Lynn M. Czerwinski-Brown, as Life Tenants and Adrianna M. Brown and Garret A. Brown as remaindermen by a deed recorded in the Erie County Clerk's Office in Liber 11429 of Deeds at Page 7171 and designated as S.B.L. 161.05-1-9;
- Lands conveyed to David M. Brown and Sheryl A. Brown by a deed recorded in the Erie County Clerk's Office in Liber 9637 of Deeds at Page 172 and designated as S.B.L. 161.05-1-8;
- Lands conveyed to Randall K. Shepard, Jr. and Dawn M. Shepard by a deed recorded in the Erie County Clerk's Office in Liber 11111 of Deeds at Page 6045 and designated as S.B.L. 161.05-1-7;

- Lands conveyed to Harold E. Riker by a deed recorded in the Erie County Clerk's Office in Liber 10906 of Deeds at Page 1447 and designated as S.B.L. 161.05-1-6;
- Lands conveyed to Sachel V, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11293 of Deeds at Page 1775 and designated as S.B.L. 161.05-1-4.1;
- Lands conveyed to Sachel V, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11375 of Deeds at Page 6104 and designated as S.B.L. 161.05-1-3.2;
- Lands conveyed to Best Brothers Development, LLC by a deed recorded in the Erie County Clerk's Office in Liber 11406 of Deeds at Page 4101 and designated as S.B.L. 161.05-1-3.1.

Town Clerk Remy Orffeo called for a roll call vote:

Supervisor Majchrzak	Nay
Councilmember Mariano	Aye
Councilmember Mombrea	Aye
Councilmember Liberti	Aye
Councilmember Honer	Aye

The resolution was duly adopted.

PUBLIC COMMENT ON OLD BUSINESS

No one came forward

Old Business #1 Approve a Change Order to the 2024 Brush Contract.

4) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MARIANO, TO WIT:

RESOLVED, that the Town Board does hereby approve a change order to the 2024 contract for hauling and disposal of tree/brush waste with Quaker Maintenance, Inc. to extend the contract from November 15, 2024 to November 30, 2024. A 2-week extension at a cost of \$7,815.00 per week for a total cost not to exceed \$15,630.00.

The resolution was unanimously adopted.

PUBLIC COMMENT ON NEW BUSINESS

No one came forward

New Business #1 Approve a 2024 Commercial Parking Permit application

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MARIANO, TO WIT:

RESOLVED, the Town Board does hereby approve the following 2024 Commercial Parking Permit:

Peleckis, Robert / 3975 Southwestern Blvd.

The resolution was unanimously adopted.

New Business #2 Approve the Howl-O-Weenie 5K

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Special Event Permit request for the Howl-O-Weenie 5K Run to be held on Saturday October 26, 2024 from 10:30AM – 12PM.

The resolution was unanimously adopted.

New Business #3 Approve the Block Party Special Event.

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MARIANO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby approve the Block Party Permit request for Aspen Lane on October 26 from 3:00PM – 8:00PM.

The resolution was unanimously adopted.

New Business #4 Approve part time Seasonal staff to the Orchard Park Recreation Department.

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER HONER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MOMBREA, TO WIT:

RESOLVED, that the Town Board is hereby authorized to approve the following residents appointments to the 2024 part-time Seasonal staff for the Orchard Park Recreation and Parks Department October 3, 2024 as recommended by the Recreation Director:

Avery Criscione	\$16.25 Program Coordinator 1
Avery O'Brien	\$17.50 Supervisor

The resolution was unanimously adopted.

New Business #5 Approve appointment to the Orchard Park Library Board of Trustees.

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER HONER, TO WIT:

WHEREAS, there exists a vacancy on the Town of Orchard Park Library Board of Trustees, and

WHEREAS, the Current Town of Orchard Park Library Board of Trustees has recommended Orchard Park resident, Rob Kubiak, to fill said vacancy, and

WHEREAS, Rob Kubiak, is ready, willing and able to fill the open Trustee Seat, which is vacant upon the retirement of Trustee Marianne Eimer as of September 17, 2024.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Rob Kubiak to the Library Board of Trustees to fill an unexpired term that ends on December 31, 2027.

The resolution was unanimously adopted.

New Business #6 Authorize the execution of the 3rd year of the Town Wide collection, hauling, and disposal of tree/brush waste.

10) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, the Town of Orchard Park has a contract with Quaker Maintenance, Inc. for hauling and disposal of tree/brush waste, and

WHEREAS, the contract is for the town-wide collection, hauling, and disposal of tree/brush waste excluding the Village of Orchard Park, and

WHEREAS, sections 8 and 9 of the contract allow for an extension of the contract and an increase in the payment.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby approve the contract with Quaker Maintenance, Inc. which is extended from May 1, 2025 to November 15, 2025; and be it further

RESOLVED, that the Town Board does hereby approve the 5% increase of the payment in accordance with section 9 (c) of the contract.

The resolution was unanimously adopted.

New Business #7 Approve the appointment of Ernest Matthews as a part time employee at the Compost Facility.

11) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MARIANO, TO WIT:

WHEREAS, the Compost Facility has an opening for a seasonal non-exempt employee; and

WHEREAS, there are funds in the budget to hire a seasonal non-exempt employee; and

WHEREAS, Ernie Matthews has previously worked for the Town of Orchard Park at the Highway Department; and

WHEREAS, Ernie Matthews is ready, willing, and able to be hired to fill the open position at the Compost Facility; and

WHEREAS, Ernie Matthews agrees to the following conditions: The seasonal position is a non-exempt non-union position with an hourly pay rate of \$21.25 per hour.

NOW, THEREFORE be it

RESOLVED, that Ernie Matthews be hired as a seasonal non-exempt employee for the Town of Orchard Park Compost Facility effective October 7, 2024.

The resolution was unanimously adopted.

New Business #8 Authorize the Supervisor to sign a contract with Appel Osborne Landscape Architecture.

12) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MOMBREA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, the earthwork contract for the Orchard Park Little League 90' Baseball Diamond is nearly complete. The next phase of the project will be installation of the fencing backstop, dugouts with roofs and outfield fencing. The Engineering Department and OPLL has researched and analyzed the different products available for backstops, dugouts and fencing and determined that the best investment is vinyl coated steel

fencing long term. In order to complete the structural design of this phase, a consultant will need to be hired; and

WHEREAS, the Orchard Park Engineering Department has requested a proposal from Appel Osborne who came highly recommended. For a lump sum fee of \$7,500 they will provide plans, specification, a construction estimate and final inspection after construction is completed; AND

WHEREAS, there is currently funding allocated in account, AP003 Yates Park LL Ball Diamonds \$143,064 for this work. The OPLL has also received a \$250,000 grant but the Town has not received the check yet per Accounting. Another \$250,000 grant is being submitted for lighting scope of work.

NOW, THEREFORE be it

RESOLVED, that the Orchard Park Town Board does hereby authorize the Supervisor to sign an agreement with Appel Osborne Landscape Architecture, 102 West Division Street, Suite 100, Syracuse, New York, 13204 to provide professional design services for the Orchard Park Little League 90' Baseball Diamond, Thorn Ave. / Duerr Road Facility Fencing Work Project as recommended by the Town Engineer.

The resolution was unanimously adopted.

Item Not on Agenda

New Business #9 Authorize the Orchard Park Town Court to apply for a Justice Court Assistance Program grant

13) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

WHEREAS, the Orchard Park Town Court is requesting authorization from the Orchard Park Town Board to apply for funding from the Justice Court Assistance Program during the upcoming grant cycle; and

WHEREAS, one required component of the application is a Resolution from the Orchard Park Town Board authorizing the Orchard Park Town Court to apply for this funding; and

WHEREAS, the Orchard Park Town Court is in need of a new walk through metal detector and a new desk for the Judge's chambers.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby authorize the Orchard Park Town Court to apply for a Justice Court Assistance Program grant in the 2024-2025 grant cycle up to \$30,000.00.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Rosalind Wiltse spoke regarding a FOIL request and submitted her written remarks to Town Clerk Remy Orffeo.

ELECTED OFFICIALS & DEPARTMENT MANAGERS

Councilmember Joseph Liberti welcomed back Ernie Matthews and welcomed Rob Kubiak to the Library Board of Trustees.

Councilmember Julia Mombrea welcomed Ernie Matthews and Rob Kubiak. She also thanked Library Board Trustee Marianne Eimer for her years of service.

Councilmember John Mariano welcomed back Ernie Matthews and welcomed Rob Kubiak to the Library Board of Trustees.

Town Clerk Remy Orffeo expressed his appreciation to residents for submitting their tax payments via check or online as opposed to cash.

Highway Superintendent Andrew Slotman reminded residents to separate leaf piles from brush as they are collected at different times and with different equipment.

14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MAJCHRZAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #19 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$99,065.93
Public Safety Fund	\$32,368.86
Part Town Fund	\$730.36
Risk Retention	-0-
Cemetery Fund	-0-
Highway Fund	\$180,938.99
Special Districts	\$457,285.35
Trust & Agency	\$3,146.69
Capital Fund	\$413,081.73

The resolution was unanimously adopted.

COMMUNICATIONS

15) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER LIBERTI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER MARIANO, TO WIT:

RESOLVED, that the Town Board does hereby receive and file a memo from Mark Lester regarding a request to include parcels within the proposed DR-2 Zoning District.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Majchrzak, seconded by Councilmember Liberti, the meeting adjourned at 8:53pm (local time).

Respectfully Submitted,

Remy C. Orffeo
Town Clerk