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**PUBLIC NOTICE: AMENDMENT TO ZONING**

**PLEASE TAKE NOTICE** that a Public Hearing will be held by the Town Board of the Town of Orchard Park, on September 7, 2022 at 7:00 PM (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park New York 14127, regarding

Local Law Two (2) for the Year 2022. This local law provides as follows:

Amending Chapter 144 Zoning, Section 44, Subsection M, Paragraph 2;

**SECTION I:**

**Section 144-44 M (2)**

Buildings and parking areas proposed or business and industrial uses, including uses on property in the business or industrial districts where such property is adjacent to a residential or agricultural district, a setback from the rear lot line or any building or accessory building shall be 60 feet.

Please see attached: 144 Zoning Attachment 15 & 144 Attachment 15:1

**SECTION II:**

This local law shall take effect upon filing in the Office of the Secretary of State or from the date of its service as against a person served personally with a copy thereof.

Remy C. Orffeo  
Town Clerk  
July 27, 2022

**LEGAL NOTICE**

**PUBLIC NOTICE**

Order for Public Hearing to Establish the Creation of the Town Drainage District OPDD 2-09 for the Quaker Lake Subdivision

WHEREAS, the Town Board of the Town of Orchard Park (herein called "Town Board" and "Town" respectively), in the County of Erie, New York, has received a petition pursuant to Section 191 of Town Law, for the establishment and creation of Town Drainage District OPDD 2-09, which petition was signed by the sole owners of taxable real property situate on the proposed new drainage district owning all of the taxable real property of the proposed new drainage district, as shown upon the latest completed assessment roll of said Town and was accompanied by a map plan and report prepared by Carmina Wood Morris, DPC, competent engineers duly licensed by the State of New York, and was the drainage district to be constructed and paid for by or on behalf of petitioners, to provide stormwater drainage to prospective property owners within the proposed district consisting of the construction, installation & maintenance of drainage facilities in accordance with the specifications of the New York State Department of Environmental Conservation and the Town of Orchard Park Engineering Department all in the proposed new Town Drainage District OPDD 2-09, which map and plan have been duly filed in the Office of the Town Clerk of the Town for public inspection; and

WHEREAS, said petition described the boundaries of the proposed new Town Drainage District OPDD 2-09 in a manner sufficient to identify the lands included therein as in a deed of conveyance and was signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded; and

WHEREAS, the proposed new Town Drainage District OPDD 2-09 is bounded and described (Exhibit A at end of resolution) in the map, plan and report attached hereto and made a part hereof; and

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-09 may have on the environment and, on the basis of such consideration, the Town Board has found that no substantial adverse environmental impact will be caused by the establishment of such new Town Drainage District OPDD 2-09 and

WHEREAS, the Town Board and the Town have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith, a duly executed Short Environmental Assessment Form has been filed in the office of the Town Clerk; and

WHEREAS, the Town Board has determined to proceed with the establishment of the proposed new Town Drainage District OPDD 2-09; and

WHEREAS, said new Town Drainage District OPDD 2-09 hereinabove described is to be constructed and paid for by or on behalf of the petitioner, PAL Enterprises, LLC and the expense of the establishment and maintenance of the Drainage District shall be paid by the assessment, levy and collection of property taxes upon the several lots and parcels of land within the proposed Town Drainage District OPDD 2-09 in the same manner and at the same time as other Town charges;

NOW, THEREFORE, be it ORDERED, that meeting of the Town Board of the Town be held at the Or-

chard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 7th day of September, 2022 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage District OPDD 2-09; as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and be it

FURTHER ORDERED, that the Town Clerk publish as least once in the Orchard Park Press, a newspaper published in the Town of Orchard Park, New York, which newspaper is hereby designated as the official newspaper of the Town for this publication, and post on the sign board of the Town maintained pursuant to Subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

Remy Orffeo  
Orchard Park Town Clerk  
August 10, 2022  
Legal Description of Orchard Park Drainage District OPDD 2-09

**DESCRIPTION**

QUAKER LAKE SUBDIVISION  
QUAKER LAKE TERRACE  
(36.4± ACRES)

TOWN OF ORCHARD PARK  
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 Number 63, Township 9, and Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point in the west line of Quaker Lake Terrace 20 feet south of the southeast corner of Subdivision Lot Number 37 as shown on a subdivision map of Quaker Lake Farms filed in the Erie County Clerk's Office under Map Cover numbers 2112 & 2166, said point of beginning also being the southeast corner of premises conveyed to Donald R. Camillo and wife by deed recorded in the Erie County Clerk's Office in Liber 8839 of Deeds at page 40;

THENCE: S-00°-10'-23"-E, along said west line of Quaker Lake Terrace a distance of 20.00 feet to the southwest corner thereof;

THENCE: N-89°-49'-37"-E, along the south line of Quaker Lake Terrace and the south line of Sub Lots 38 thru 42 inclusive as shown on said subdivision map a distance of 665.00 feet to the southeast corner of said Sub Lot 42;

THENCE: N-00°-10'-23"-W, along the east line of Sub Lot 42 a distance of 200.00 feet to the northeast corner thereof;

THENCE: N-89°-49'-37"-E, along the south line of lands conveyed to Victor & Marta Kowtun by deed recorded in the Erie County Clerk's Office in Liber 10276 of Deeds at page 33 a distance of 175.00 feet to the southeast corner thereof;

THENCE: N-00°-10'-23"-W, along the east line of Kowtun's lands a distance of 245.00 feet to the northeast corner thereof;

THENCE: N-89°-38'-01"-E, a distance of 187.21 feet to the west line of lands conveyed to HICO LLC by deed recorded in the Erie County Clerk's Office in Liber 11315 of Deeds at page 8467;

THENCE: S-00°-31'-24"-E, along said west line a distance of 1,674.13 feet to the southwest corner thereof, the south line of Lot 63 and the north line of Lot 62;

THENCE: N-89°-49'-37"-W, along said south line of Lot 63 and north line of Lot 62, a distance of 1,244.57 feet to the east line of Stonehenge Subdivision Part VII filed in the Erie County Clerk's Office under Map Cover No.

2436;  
THENCE: N-00°-10'-23"-W, along said east line of said Stonehenge Subdivision Part VII, and the east line of Stonehenge Part 8 filed in the Erie County Clerk's Office under Map Cover No. 2465, a distance of 1,240.95 feet to the south line of lands conveyed to Donald R. Camillo recorded in Liber 8839 of Deeds at page 40;

THENCE: N-89°-49'-37"-E, along said south line a distance of 207.10 feet to the point of beginning containing 36.40 acres be the same more or less.

Aug. 18

State of New York  
County of Erie

Remy C. Orffeo, being duly sworn, says that he is the Town Clerk of the Town of Orchard Park, Erie County, NY, and that she has posted the attached notice on the Town Clerk Bulletin Board located in the Municipal Center, S4295 South Buffalo Street of said Town on: August 3, 2022

*Remy C. Orffeo*  
Remy C. Orffeo Town Clerk

Notary Public:

*Jennifer L. Brady*

JENNIFER L. BRADY  
Notary Public, State of New York  
NO. 01BR6373222  
Qualified in Erie County  
My Commission Expires 4-2-20 26

TC

**New Business #4 Town Board to adopt an order calling for a Public Hearing on September 7, 2022 at 7:00PM regarding the establishment and creation of OPDD 2-09 in Quaker Lake Terrace Subdivision.**

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

**WHEREAS**, a petition, and metes and bounds was received by the Town of Orchard Park pursuant to Town Law Section 191, that the Town Board establish a Drainage District for the Quaker Lake Terrace Extension 18 Sublot Subdivision. The map, plan and report for the proposed Orchard Park Drainage District OPDD 2-09 for the Quaker Lake Terrace Extension 18 Sublot Subdivision prepared by Carmina Wood Morris, P.C. in accordance with Article 12 of the Town Law is available at the Town Clerk's office for public review; and

**WHEREAS**, the project involves the installation of the Subdivision's stormwater drainage system, which includes the piping infrastructure, roadway catch basins, bioretention pond, and detention basin systems for stormwater quality. The construction cost of the Subdivision's stormwater drainage system is estimated at \$175,000, which is the Subdivision development costs associated with drainage infrastructure construction only and will be bore entirely by the developer (Nexgen Development II, LLC); and

**WHEREAS**, the establishment of a Drainage District is in the public interest because the district will service prospective new homeowners with the required drainage control of water quality and quantity per the Federal EPA Environmental Law, the Clean Water Act and Stormwater Phase II regulations. The district formation is to cover additional costs the Town will encounter due to this unfunded mandate, as well as provide necessary maintenance to the stormwater system; and

**WHEREAS**, for the drainage district creation, the applicant has completed and submitted the Short EAF, Parts 1 for this Unlisted SEQR action. The Planning Board has completed a Full Environmental Assessment Form with a coordinated review being conducted with the Town of Orchard Park acting as Lead Agency for the Subdivision Approval.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby authorize the scheduling of a Public Hearing on the creation of Orchard Park Drainage District 2-09 for the Quaker Lake Terrace Extension 18 Lot Subdivision at your regular meeting of September 7, 2022, and be it further

**RESOLVED**, that the Town Board does hereby agree subsequent to the public hearing and completion of the SEQR process, to then adopt the necessary orders establishing the district. Only after the district creation can the associated Subdivision project proceed with the Planning Board final approval, as recommended by the Town Engineer.

**The resolution was unanimously adopted.**

70

At a regular meeting of the Town Board in the Town of Orchard Park in the County of Erie New York, held at Town Hall, in said Town on \_\_\_\_\_, 20\_\_ at 7PM

PRESENT:

Eugene Majchrzak, Supervisor  
Conor Flynn, Councilmember  
Joseph Liberti, Councilmember  
Scott Honer, Councilmember  
Julia Mombrea, Councilmember

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In the Matter

Of the

Establishment of Drainage District # 2-09,  
in the Town of Orchard Park,  
in the County of Erie New York

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**ORDER ESTABLISHING  
DISTRICT**

WHEREAS, a map, plan and report relating to the establishment of a proposed Town of Orchard Park drainage district number 2-09 as prepared by Carmina Wood Morris, D.P.C., duly licensed civil engineers of the State of New York, in a manner and in such detail as has been determined by this Town Board, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on \_\_\_\_\_, 20\_\_, reciting the filing of said map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same are on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying \_\_\_\_\_, 20\_\_, at 7:00 in the afternoon of said day as the time, at the Town of Orchard Park Town Hall, as S 4295 South Buffalo Street, Orchard Park as the place where this Town Board would meet and consider said map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on

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\_\_\_\_\_, 20\_\_\_ at 7:00 p.m. in the afternoon of said day, in the Orchard Park Town Hall, as 4295 South Buffalo Street, Orchard Park, New York, and no person appearing in opposition to and the petitioner appearing in favor of the petition; and

WHEREAS, pursuant to said petition, it is the intention of the petitioner, as sole owner of all the taxable property in said drainage district, to construct said drainage improvements solely at its own expense, now, after due deliberation, it is

RESOLVED AND DETERMINED:

- A. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- B. That all property and property owners in the proposed district are benefitted thereby;
- C. That all property and property owners benefitted are included within the limits of the proposed district;
- D. That it is in public interest to establish said district; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed district as set forth in said map, plan and report be approved; that the improvements therein mentioned be constructed by the petitioner; and such district shall be known and designated as the "Town of Orchard Park drainage district number 2-09 and shall be bounded and described as set forth as "Exhibit A" attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the improvements for such drainage district are to be constructed by, PAL Enterprises, LLC, the owner of the "Exhibit A" premises, solely at its own expense, and it has offered to convey the same without cost to the Town of Orchard Park, free and clear of encumbrances except the right of access to said improvements by adjoining land owners; that the costs of maintaining said drainage district shall be born by the owners of properties benefitted thereby; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be and hereby is authorized and directed to file a certified copy of this resolution in the office of the Clerk of the County of Erie, which is the County in which the said Town of Orchard Park is located, and the office of the State Department of Audit and control, within 10 days after the adoption of this resolution, pursuant to the provisions of Section 195 of the Town Law.

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Legal Description for OPDD #2-09 – Exhibit A

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DESCRIPTION

QUAKER LAKE SUBDIVISION

QUAKER LAKE TERRACE (36.4± ACRES)

TOWN OF ORCHARD PARK

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Eugene Majchrzak, Supervisor

Conor Flynn, Councilmember

Joseph Liberti, Councilmember

Scott Honer, Councilmember

Julia Mombrea, Councilmember

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TC

**WHEREAS**, on December 15, 2021 the Town Board approval of a "Special Use Permit" for Smarty Pants Childcare contained an incorrect street address.

**NOW, THEREFORE be it**

**RESOLVED**, that the December 15, 2021 approval of a "Special Use Permit" for Smarty Pants Childcare is amended to correct the street address to 3940 California Road.



TC

**WHEREAS**, the May 20, 2015 approved minutes appointed Chelsea E. Vazquez to a full-time, non-competitive public safety dispatcher position; and

**WHEREAS**, the appointment of Chelsea E. Vasquez was described in error as non-competitive; and

**WHEREAS**, it was filed with Erie County on the Employee Form PO-1M as competitive on April 2015.

**NOW, THEREFORE be it**

**RESOLVED**, that the Town Board does hereby amend the May 20, 2015 approved Town Board minutes to state Chelsea E. Vasquez was appointed to a full-time, competitive public safety dispatcher position on May 20, 2015.

**New Business #2 Approve 2022-2023 Commercial Parking Permits**

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

**RESOLVED**, that the Town Board does hereby approve the following 2022-2023 Commercial Parking Permits, as approved by the Chief of Police and Building Inspector:

Augustine, Diane - 3968 Southwestern Blvd  
DeMarco, Joe - 4000 California Rd  
Schummer, Abby - 5554 Webster Rd

**The resolution was unanimously adopted.**

TC

**New Business #3 Appoint Captain Daniel Lagoda as 2022 Chairman of the Public Safety Committee**

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

**WHEREAS**, Captain Gregory Sheppard has been selected as the Captain of Administration within the Orchard Park Police Department, and

**WHEREAS**, Captain Daniel Lagoda has been selected as the Captain of Patrol within the Orchard Park Police Department, and

**WHEREAS**, the Public Safety Committee is in need of a member to replace Captain Gregory Sheppard.

**NOW, THEREFORE be it**

**RESOLVED**, that Orchard Park Police Captain Daniel Lagoda is appointed to the Public Safety Committee with a term to expire on December 31, 2022; and be it further

**RESOLVED**, that Captain Daniel Lagoda is appointed Chairman of the Public Safety Committee for the year 2022.

**The resolution was unanimously adopted.**

WHEREAS, the reception staff at the Community Activities Center (CAC) is in need of a part-time employee; and

WHEREAS, Ethan Wood has previously served in that capacity; and

WHEREAS, the funds are in the budget for this position;

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Ethan Wood to the position of part-time evening and weekend receptionist at the Community Activities Center (CAC) at a rate of \$15.00 per hour, group 9 – nonunion, CAC SAL NON UNION HOURLY PT A0 7180 50104, effective September 6, 2022 as recommended by Sue Hemmingway, Community Activity Center Coordinator.

**Town of Orchard Park**  
**Recreation, Parks, and Forestry Department**

4520 California Rd

Orchard Park NY 14127

[leake@orchardparkny.org](mailto:leake@orchardparkny.org) (716) 662-6450 ext.1

9/7/22

To: Town Board

From: Ed Leak

Director of Recreation

**Item 1:** Appt. to the staff of the Town of Orchard Park Recreation Department PT for Fall 2022, effective 9/6/22

Guinevere Brady	\$16.50
Natalie Alfano	\$16.50
Andrew Armstrong	\$16.50
Zoe Aylsworth	\$16.50
Olivia Bahun	\$16.50
Natalia Behlok	\$16.50
Maura Bleech	\$16.50
Emma Brown	\$16.50
Robert Brozyna	\$16.50
Gloria Buckwalter	\$16.00
Brayden Buell	\$16.00
Finnegan Burke	\$16.00
Jane Carroll	\$16.50
Julianne Carter	\$16.50
Bradley Casto	\$16.50
Owen Casto	\$16.00
Anna Childs	\$16.50
Joseph Cole	\$16.00
Mollie Collins	\$16.75
Delaney Cunningham	\$16.00
Teagan Dodson	\$16.50
Heather Dunlap	\$16.00
Catherine Finn	\$16.00
Cassie Fowler	\$16.50
Madeline Franke	\$16.00
Jaime Gaiser	\$16.50
James Gardner	\$16.00
Nyna Garduno	\$16.00
Colden Grossman	\$16.50
Madison Guarino	\$16.50
Griffin Harrigan	\$16.50
Leah Harrigan	\$16.50
Kristen Heard	\$16.00
Jacob Hemingway	\$16.00
Annie Henrich	\$16.00
Nadia Hering	\$16.00
Isabella Higgins	\$16.50

Grace Hinterberger	\$16.50
Paden Homer	\$16.00
Lauren Hrusa	\$16.50
Milani Hubman	\$16.00
Emma Hughes	\$16.50
Jessica Humby	\$16.50
Maxwell Ilkiwskjy	\$16.00
Olivia Ippolito	\$16.50
Andrew Johnson	\$16.50
Emma Johnson	\$16.50
Mara Johnson	\$16.50
Abigail Kane	\$16.00
Chloe Kirby	\$16.00
Anders Kjellstrom	\$16.50
Michael Kubera	\$17.50
Kelly Kubiak	\$16.50
Grace Loughran	\$16.50
Gianna Mainella	\$16.00
Abigail Marino	\$16.50
Sophie McGrath	\$16.00
Julia McMullen	\$16.50
Diana Menz	\$16.50
Ella Merritt	\$16.50
Scout Moskal	\$16.00
Sullivan Murphy	\$16.00
Jax Myers	\$16.00
Amaya Neuwirth	\$16.50
Avery O'Brien	\$16.50
Madison Owczarczak	\$16.00
Kaitlyn Patronik	\$16.50
Mikayla Perry	\$16.00
Mia Popp	\$16.00
Claire Rahuba	\$16.50
Lauren Radford	\$16.50
Reilly Redmond	\$16.00
Andrew Relosky	\$16.00
Jeffery Roberts	\$16.50
Kelsey Robertson	\$16.00
Robert Roche	\$16.50
Nicole Rzepka	\$16.50
Courtney Schaeffer	\$16.00
Grace Scott	\$16.50
Elizabeth Scott	\$16.50
Molly Sheehan	\$16.50
Cheyenne Sikes	\$16.00
Shelby Suto	\$16.50
Alex Tills	\$16.00
Angela Totaro	\$16.00
Breanna Totaro	\$16.50
Dana Totaro	\$16.00

Olivia Vail	\$16.50
Raegan Van Pelt	\$16.00
Collin Walh	\$16.50
Alyssa Zielinski	\$16.50

Madeline Feldman \$17.50

Note: The above appointment is dependent upon the applicant providing the required certifications.

\*Att=Attendant

\*LG= Lifeguard

Recreation Director: Ed Leak

Assistant Recreation Director: Kristin Santillo

TC

RESOLVED, that as recommended by the Building Inspector, members of the Building Department may attend the Eastern Section IAEI 2022 meeting.



**144-22 Yard Regulations**

A. Residential districts. A fence or wall may be erected in any residentially zoned district (R-1, R-2, R-3 & R-4), after securing a permit.

- (1) In any rear yard or interior side yard, provided that the fence, wall or hedge does not exceed six feet in height.
- (2) In any front yard, as follows:
  - (a) A fence or wall intended for decorative purposes may be erected as part of a landscape plan in a front yard, along, next to or in connection with an entrance to a residence or along or next to a driveway or corner of a front yard or at the juncture of a driveway and a public sidewalk.
  - (b) Such fence or wall shall be erected wholly within the lot line of the property and at least three feet inside of the interior edge of the public sidewalk.
  - (c) Such fence or wall or hedge shall in no event enclose a front yard; nor shall it exceed four feet in height. A fence shall be of open, decorative design and permit clear visibility through at least 80% of its vertical area.
  - (d) On any lot fronting two or more public streets, each and every yard fronting such street shall be considered a front yard for the purposes of this section.
- (3) Enclosing a tennis court, provided that the fence does not exceed 12 feet in height.
- (4) Enclosing a swimming pool, subject to the requirements of the New York State Uniform Code.
- (5) A hedge planted in a district zoned residential shall, if planted in an interior side yard or rear yard, an exterior side yard or any front yard, be subject to the same limitations and restrictions, including height, as a fence or wall if the hedge is planted at or near the property line and is designed to serve the function of a fence or wall but shall not require a permit.
- (6) For a lot whose rear lot line abuts the New York State Thruway, fences and walls in a rear yard shall be permitted to be erected to a height of 8 feet.

B. Nonresidential districts.

- (1) No fence, wall or hedge shall be erected on any premises zoned other than residential until a permit has been issued by the Code Enforcement Officer after approval by the

Planning Board. The Planning Board shall grant approval only after a determination that the proposed fence, wall or hedge will afford adjoining premises an environment reasonably free of offensive noise, smell, dust and debris and will be of quality design and construction.

- (2) No permit shall be issued for the erection of a fence, wall or hedge on premises abutting a residentially zoned property where the proposed fence, wall or hedge exceeds eight feet in height.

C. Visibility at intersections. Nothing herein shall be construed to limit or modify in any way the existing sections Town of Orchard Park Code relating to visibility at intersections.

D. Prohibited fences, walls and hedges. The following types of fences, walls and hedges are specifically prohibited anywhere in the Town of Orchard Park:

- (1) Barbed wire.
- (2) Short, pointed fences.
- (3) Electrically charged fences or walls. (except for agricultural Use)
- (4) Chain link fences in a front yard.
- (5) Canvas or cloth fences.
- (6) Cinderblock walls.
- (7) A fence, wall or hedge constructed within the right-of-way of any public street.

E. Miscellaneous provisions.

- (1) A fence, whether of wood, chain link, stockade or any other type, shall be erected so that the smooth or finished side shall face to the outside of premises. All fence posts shall be placed on the inside of the fence.
- (2) Painted fences and walls shall be of one color only.
- (3) No fence or wall shall be erected in such manner as to inhibit or divert the natural drainage flow or to cause the blockage or damming of surface water, creating ponding.
- (4) No fence or wall shall be erected which may create a fire hazard or other dangerous condition or which may result in obstruction to the effective combat of fire.
- (5) All existing fences, walls, hedges and other barriers which do not conform to the provisions of this chapter may be continued as they presently exist, as long as the same not altered or modified.

- F. Lot frontage on street. No dwelling shall be erected on any lot which does not have immediate exclusive access measuring a minimum of 30 feet along and contiguous with a dedicated street or highway length; and provided further that said access shall be in accordance with § 280-a of the Town Law. For purposes of this subsection, the stub end of the street shall not be considered a portion of the street or highway length. Two lots with minimum street access shall not be contiguous. **[Amended 10-7-1992 by L.L. No. 4-1992;<sup>1</sup> 8-6-1997]**
- G. Front yard and yard abutting on a street. Where a widening or extension of an existing street or highway right-of-way or the establishment of a new street or highway is indicated on the Zoning Map or on an official map adopted by the Town Board, any front yard or building setback required by this chapter shall be measured from such widened, extended or new right-of-way. Unless otherwise indicated on the map, any widened right-of-way shall be assumed to be centered on the former street or highway center line.
- H. Side yard of corner lot. The side yard of any corner lot of record at the time of adoption of this chapter shall have a width equal to the required minimum front yard setback of any adjoining lot fronting on the side street; provided, however, that the side yard of any corner lot in a B-1 or B-2 Commercial District shall have a minimum width of 10 feet where the front of the building on said lot is set back at least 300 feet from the intersecting or intercepting streets. **[Amended 10-1-1986]**
- I. Transition yard requirements. **[Amended 8-16-2017 by L.L. No. 7-2017]**
- (1) Where a residence district abuts a non-residence district on a street line, there shall be provided in the non-residence district for a distance of 50 feet from the district boundary line a landscaped front yard at least equal in depth to that required in the residence district.
  - (2) Where the side or rear yard in a residence district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines a side or rear landscaped yard at least equal in depth to that required in the residence district. In no case, however, shall the abutting side yard be less than 20 feet nor the abutting rear yard be less than 20 feet.
- J. Rear yard depth variation. In any R District where the lot is wider than the stipulated minimum width, the depth of the rear yard (measured from the main building) may be reduced by 1 1/2 times the excess of the actual width over the minimum width. In no case, however, may the rear yard be less than 30 feet in depth. The stipulated minimum distance from any accessory building to the rear lot line must be maintained in every case.

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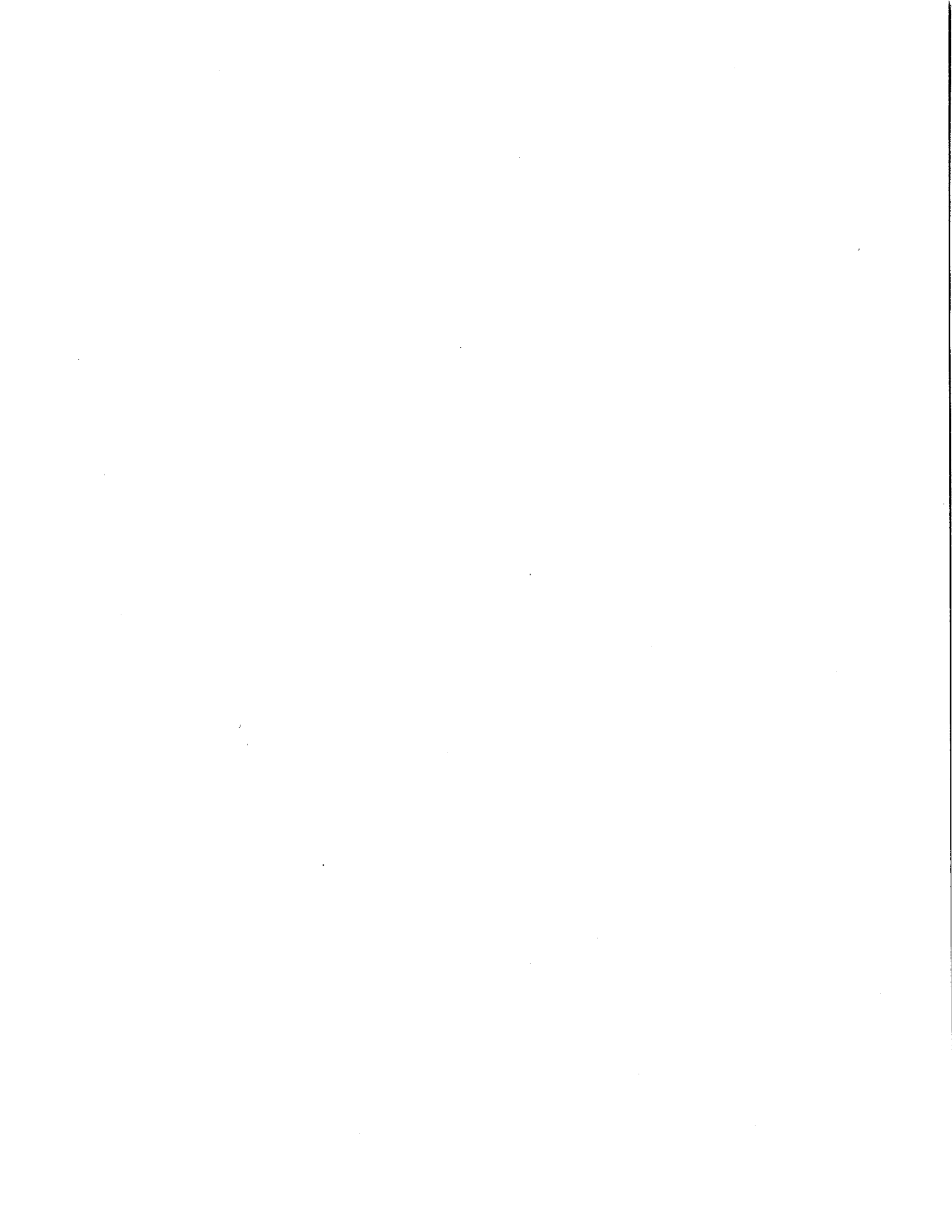
1. Editor's Note: This local law also provided as follows: "To the extent that this local law conflicts with § 280-a of the Town law, § 280-a is specifically superseded."

- K. A driveway to any structure or any hard surface other than natural vegetation shall be located no closer than five feet to the lot line. This section shall apply to all lots in the business zones and the industrial zones. This section shall apply to any subdivision lot which has not received concept approval on or before January 1, 1990, and to any newly created lot which is filed in the Erie County Clerk's office subsequent to January 1, 1990. **[Added 12-6-1989; amended 5-2-1990]**
  
- L. The height, yard, lot and bulk regulations applicable to front yards shall apply to the front yard and rear yard of any through lot. **[Added 4-17-1991]**

## **Terms 144-5**

### **Yard, Front**

A yard extending the full width of a lot and situated between the street line and the front line of the principal building projecting to the side line of the lot. The depth of the Front Yard shall be determined as per the Town of Orchard Park Schedule of Height, lot, and Yard and Bulk regulations. Covered Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into the required side yard.





# TOWN OF ORCHARD PARK

TC

## MEMORANDUM

S.4295 SOUTH BUFFALO STREET  
ORCHARD PARK, NEW YORK 14127  
(716) 662-6432, ext. 2202

**DATE:** September 6, 2022

**TO:** Town Clerk, Remy Orffeo, Jenifer Brady, & Building Inspector Steve Bremer  
**FROM:** Rose Messina  
**SUBJECT:** Item(s) for September 7, 2022 - TB Agenda

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### NEW BUSINESS:

Please refer the following items to the Planning & Conservation boards for review.

1. **6017 Big Tree Road, located on the south side of Big Tree Road.** Mr. Broadway of the "The Broadway Group", is requesting to construct a 10,640+/-sq.ft. Dollar General Store at this location. (SBL #'s 172.08-4-5 and 172.08-4-4).
2. **V/L North east corner of Milestrip and Abbott Roads.** "Royal Car Wash" is proposing to construct a new carwash facility at this location. (SBL #'s 152.17-1-8 & 152.17-1-9)

FC

## **PUBLIC NOTICE**

### 30-DAY PERIOD FOR INCLUSION OF PREDOMINANTLY VIABLE AGRICULTURAL LANDS INTO EXISTING AGRICULTURAL DISTRICTS

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors, and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at [www.erie.gov/agenrollment](http://www.erie.gov/agenrollment).

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

#### CONTACT:

Sarah Gatti, Principal Planner  
Erie County Environment & Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202  
Phone: (716) 858-6014  
Fax: (716) 858-7248  
Email: [agriculture@erie.gov](mailto:agriculture@erie.gov)



TC

**NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
DESIGNATION OF RESTRICTED HIGHWAY**

Pursuant to Section 104a of the Highway Law the following described highway:

Intersection improvement and Intersection Widening. NY Rt 187 (Transit Road) and County Road 460 (Milestrip Road)

This project includes the intersection of NY Rt 187 (Transit Road) and County Road 460 (Milestrip Road). It also includes 2 miles in all four directions from intersection.

Which is being reconstructed under Contract No. D264839 is hereby designated as a Restricted Highway. Designation of Restricted Highway shall expire on August 31, 2023.

Pursuant to Section 1625 of the Vehicle and Traffic Law all movement of vehicles, persons or animals on such highway is hereby restricted and regulated in accordance with the determination of the Commissioner of Transportation as evidenced by posted signs, signals or barriers placed along said highway and/or by direction by an authorized representative of the Commissioner of Transportation.

Any action taken by the Commissioner of Transportation pursuant to Section 1625 of the Vehicle and Traffic Law shall supersede any other provisions of the Vehicle and Traffic Law where inconsistent or in conflict with respect to the following enumerated subjects:

1. Establishment of maximum and minimum speed limits at which vehicles may proceed along any such restricted highway.
2. Weights and dimensions of vehicles.
3. Use of such restricted highway by pedestrians, equestrians, and animals.
4. Parking, standing, stopping and backing of vehicles.
5. Control of persons and equipment engaged in work on such highway.

The provisions of the Vehicle and Traffic Law with respect to registration shall not apply to vehicles and equipment engaged in work on such restricted highways.

When used on such restricted highways, all traffic control devices shall be considered as official traffic control devices and shall conform to the manual and specifications for a uniform system of traffic control devices adopted by the Department of Transportation.

Marie Therese Dominguez  
Commissioner

8/25/2022

\_\_\_\_\_  
Date

Original Signed by Daniel W. Paskie  
FOR: \_\_\_\_\_  
FRANK P. CIRILLO, SR/WA  
Regional Director, Region 5  
New York State Department of Transportation  
100 Seneca Street  
Buffalo, New York 14203

County Clerk: Erie  
Town Clerk: Orchard Park and Elma  
Contractor: Union Concrete & Construction  
Engineer-in-Charge: Jenna Didio  
Regional Construction Engineer: Daniel W. Paskie, P.E.  
Regional Permit Engineer: John Billittier  
Regional Traffic Engineer: Michael Roche  
Contracts & Estimates Engineer: Karen Beller  
New York State Department of State (4 copies required)  
New York State Police, Troop A  
Residency: Heather McCourt

## Title 17 NYCRR Part 155

### Traffic Regulations on Restricted Highways (Statutory authority: Vehicle and Traffic Law, Section 1625.)

**Section 155.1 Definition.** The term *restricted highway* when used in this part shall mean any highway or portion thereof under construction or reconstruction under the supervision of the Commissioner of Transportation and which is designated by the Commissioner as a restricted highway pursuant to Section 104a of the Highway Law.

**155.2 Traffic control devices.** Unless otherwise posted, traffic control devices used on restricted highways shall conform to the requirements of the Vehicle and Traffic Law.

**155.3 Flagmen.** Operators of vehicles on restricted highways shall follow the directions of any flagman with respect to movement of such vehicles.

**155.4 Control of persons and equipment.** Construction personnel and equipment engaged in work on such restricted highway shall be afforded the widest latitude in operating within the restricted highway consistent with the safety of the traveling public. This shall include, but not be limited to, the crossing of the highway and the mall; the shutting-off of lanes of travel consistent with the contract and the orders of the Commissioner of Transportation or his duly authorized agent; the loading, unloading and manipulation of material; the movement and direction of vehicles and equipment; and other similar operations necessary to the reasonable and practical performance of the contract.

**155.5 Other requirements.** The other provisions of the Vehicle and Traffic Law relating to motor vehicles shall not apply to special purpose construction equipment, such as described in section 401, subdivision 7, paragraph (f) of the Vehicle and Traffic Law, while engaged in work on a restricted highway, except that all such vehicles and equipment shall be kept in safe, mechanical operating condition at all times and reasonable caution shall be used to protect the traveling public. However, such other provisions shall apply to those vehicles that normally operate on public highways to transport persons and/or material and are ordinarily considered commercial vehicles.

**155.6 Emergency or unusual conditions.** The Commissioner of Transportation may, by the erection of signs, signals or other traffic control devices, alter or modify the provisions of this Part to adequately protect the public at locations where emergency or unusual conditions occur or exist as a result of the construction or reconstruction on a restricted highway. These alterations or modifications shall have the same force and effect as though they were specifically set forth in this Part and shall remain in force until the condition is considered by the Commissioner to be safe and the erected signs, signals or other traffic control devices have been officially removed.

**155.7 Effective date.** The provisions of this Part shall be effective with respect to a specific restricted highway from the date the highway is designated a restricted highway by an official designation of the Commissioner of Transportation. The provisions of this Part shall also be effective with respect to all restricted highways which have theretofore been designated as restricted highways by the Commissioner of Transportation and on which the restriction has not been removed by a notice of cancellation issued by the Commissioner of Transportation.

**155.8 Restricted highway designations.** The following locations are hereby designated as *restricted highways*, as defined by Section 155.1 of this Part.

**TOWN OF ORCHARD PARK**

TC

**BUILDING INSPECTOR MONTHLY REPORT**

**MONTH OF JULY 2022**

BUILDING PERMITS	# OF	VALUE	BUILDING PERMITS	# OF	VALUE
<b>NEW CONSTRUCTION:</b>			ABOVE GROUND POOLS	6	21,568
SINGLE DWELLING	2	848,175	INGROUND POOLS	5	269,575
DOUBLE DWELLING			DECKS	12	146,867
APT/MULTI-FAMILY			ELECTRICAL	7	13,650
COMMERCIAL			FENCES	11	55,460
<b>ADDITIONS:</b>			GARAGE / BARN / POLE BARN	3	49,000
RESIDENTIAL	3	137,110	GENERATORS	7	62,726
COMMERCIAL			MISC. (OPERATING/ DEMO)	3	300
<b>ALTER/REPAIR:</b>			PORCH/PATIO	8	207,200
RESIDENTIAL	9	413,766	SHEDS	7	32,546
COMMERCIAL / TENANT BO	3	278,000	SIGNS	2	15,300
COMMERCIAL MISC.	2	55,000	RESIDENTIAL MISC.	20	288,820
<b>SOLAR PV SYSTEM</b>	<b>1</b>	<b>23,560</b>	<b>TOTAL:</b>	<b>111</b>	<b>2,918,623</b>

INSPECTIONS TYPE:	NUMBER OF INSPECTIONS PER ZONE				TOTAL
	1	2	3	4	
<b>NEW CONSTRUCTION:</b>					
RESIDENTIAL	17	5	12	17	52
COMMERCIAL	1		1	5	7
<b>ADDITIONS:</b>					
RESIDENTIAL	6	5	1		12
COMMERCIAL		1			1
<b>ALTER/REPAIR:</b>					
RESIDENTIAL	6	10	8	4	28
COMMERCIAL / TENANT BO			2	6	8
ABOVE GROUND POOLS	1	4	1	2	8
INGROUND POOLS	12	3	3		18
DECKS	2	3	9	10	24
ELECTRICAL	18	12	7	16	53
FENCES			1		1
GARAGE/BARN/POLE BARN	1			2	3
GENERATORS	6	4	2		12
MISC.	3	6	3	1	13
PROPERTY MAINTANICE	9	12	11	33	65
SHEDS		1	2		3
SIGNS					
SOLAR PV SYSTEM			1		1
FIRE INSPECTIONS	3	6	4	27	40
CLOSEOUT INSPECTIONS					
<b>TOTAL INSPECTIONS:</b>	<b>85</b>	<b>72</b>	<b>69</b>	<b>123</b>	<b>349</b>

Meetings Attended	Town Board	Planning Board	Z B A	Court
Steven Bremer				
John Wittmann			1	
Tom Minor				
Rayne Degre				
Robert Rendon				

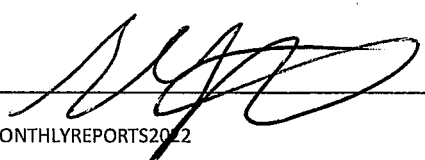
ZONING BOARD OF APPEALS:

GRANTED: 3

DENIED: 0

REMARKS:

SIGNATURE: \_\_\_\_\_



DATE: \_\_\_\_\_

8/16/22