

COUNTY OF ERIE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Orchard Park, Erie County, New York, at the Municipal Building, S4295 South Buffalo Street Orchard Park, New York 14127, on July 3, 2024 at 7:00 PM (local time), regarding V/L, 4297 & 4309 Abbott Road, located on the south east corner of Abbott & Big Tree Roads, Route 20A, across from Danny's South, Zoned B-2. Ellicott Development is requesting a "Special Exception Use Permit" be granted to construct a new Gas Station with a Convenience Store Building, including a pick-up window, a six (6) dispenser fueling canopy, and driveway access to Abbott Road. Note: Zoning Board of Appeals granted an Area Variance on 1/16/2024; Planning Board declared themselves Lead Agency on 5/9/2024. At such time, all interested persons will be given an opportunity to be heard.

May 15, 2024 Remy C. Orffeo

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A complete copy of the Special Exception Use Permit application is on file in the Town Clerk's Office for on-site inspection during regular business hours. At such time all interested persons will be given the opportunity to be heard. Remy C. Orffeo, Town Clerk June 13, 2024

PUBLIC HEARING

**Proposed Rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL# 153.17-1-1.1.
Requesting to Rezone from B-2 to R-3, as requested by Bend Creek Development.**

At 7:22PM (local time) Supervisor Majchrzak called for the Public Hearing to hear all interested parties regarding the rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development.

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 or making a comment.

- Sean Overton spoke against the proposed rezoning.
- Judy Cipriani spoke against the proposed rezoning.
- Janis Stanek spoke against the proposed rezoning.
- Lori Peterson spoke against the proposed rezoning.
- John Vanderbush spoke against the proposed rezoning.
- Mary Bishop spoke against the proposed rezoning.
- Ronald Mellerski spoke against the proposed rezoning.

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 the proposed rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development at 7:41PM.

The resolution was unanimously adopted.

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 rezoning of 5.5 acres of vacant land on Milestrip Road, Zoned B-2, SBL #153.17-1-1.1. Requesting to rezone from B-2 to R-3, as requested by Bend Creek Development a public hearing was conducted on June 5, 2024 at which time all interested parties were given an opportunity to speak.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby delay voting on this topic until a later date.

The resolution was unanimously adopted.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

July 1, 2024

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

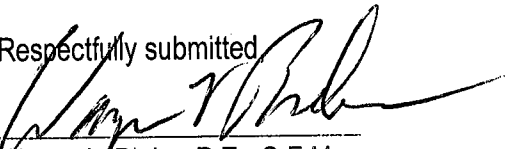
**Re: Advertisement for Bid
Multi-Use Maintenance Fuel Facility**

Dear Board Members:

C&S Companies is finalizing plans, specifications, and bid documents for the Orchard Park Multi-Use Maintenance Fuel Facility. Plans and specifications for this project are available for review in the Engineering Department Office.

The work will entail the installation of 2 – 9,900 gallon above ground fuel tanks, dispensers and safety controls; associated drainage including storm water retention and quality; associated electric and communication line; installation of pavement, fencing, and restoration; and abandonment of the old tanks. Bid documents will be available July 18, 2024.

I, therefore, recommend that you authorize advertisement in the Orchard Park Bee for sealed bids for the Orchard Park Multi-Use Maintenance Fuel Facility to be opened on August 22, 2024 at 2:00 pm at the Orchard Park Municipal Center, Basement Meeting Room.

Respectfully submitted,

Wayne L. Bieler, P.E., C.F.M.
Town Engineer

Attachment

Cc: Remy Orfeo, Town Clerk Timothy Gallagher, Town Attorney
Andrew Slotman, Highway Superintendent/Special Districts/ Parks & Grounds

File # 2022.022

S:\Town Projects\Multi-Use Maintenance Facility\Multi-Use Maintenance Fuel Facility\Letter to TB - PERMISSION TO ADVERTISE.doc

Visit the Town's website at www.orchardparkny.org

Proposed 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.

Proposed 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 Benzing 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 CSX 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 Benzing 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 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.

Proposed 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.

Proposed 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 11406 of Deeds at Page 3283
- 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 3878 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-3819 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 Amymarie Duman by a deed recorded in the Erie County Clerk's Office in Liber 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.

Proposed 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 rezone 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 OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

July 1, 2024

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

**Re: Change Order #1 to Work Order #6
Cured-In-Place Sanitary Sewer Lining Contract
Traffic Control Plan Design**

Dear Board Members,

As you are aware, United Survey has been awarded work order #6 for the above mentioned project. Within the scope of work order #6, lining is being completed along Abbott Road that requires addition traffic control devices and a design plan.

The contractor has consulted with US Traffic Control LLC to develop a traffic management plan for eight setups. The cost of the traffic control management plan design is not to exceed \$5,220.00.

I, therefore, recommend that you approve change order #1 to our contract with United Survey, Inc., work order #6, for an amount not to exceed \$5,220.00.

Very truly yours,

Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment

Cc: Remy Orffeo, Town Clerk
File:2020.14

Visit the Town's website at www.orchardparkny.org

WHEREAS, the Orchard Park, Parks and Grounds Department has a vacancy for a seasonal employment position; and

WHEREAS, there are funds in the 2024 budget to fund seasonal employment positions;

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby, based on the recommendation of Andrew Slotman, Orchard Park Highway Superintendent, the following employee, Ryan Parker be appointed at a rate of \$20.25 per hour as seasonal staff to the Parks and Grounds Department effective July 8, 2024 to October 31, 2024.

WHEREAS, the Orchard Park Planning Department is in need of a full time Director of Community Development; and

WHEREAS, Anna Worang-Zizzi has been performing the duties of a Director of Community Development on a part-time basis; and

WHEREAS, Anna Worang-Zizzi is ready and able to perform the duties of a full time Director of Community Development; and

WHEREAS Anna Worang-Zizzi possesses the qualifications to perform the duties of a full time Director of Community Development.

NOW, THEREFORE be it

RESOLVED, that the Town Board does hereby appoint Anna Worang-Zizzi as full time Director of Community Development in the Planning Department at a rate of \$21.50 an hour with an increase to \$23.00 per hour, based on meeting performance standards, on September 30, 2024. This non-union, full-time appointment is effective July 1, 2024.

WHEREAS, the Town of Orchard Park has completed an inspection of the food truck for Bullriders BBQ & Mac, and

WHEREAS, the Town of Orchard Park Fire Inspector has approved an Operating Permit for the Bullriders BBQ & Mac Food Truck, and

WHEREAS, the Operating Permit fee and Town of Orchard Park Mobile Food Vending Permit fee have been paid; and

WHEREAS, a certificate of liability insurance has been provided; and

WHEREAS, Bullriders BBQ & Mac has agreed to comply with the Town of Orchard Park Town Code and policies.

NOW, THEREFORE be it

RESOLVED, that the Town Board of Orchard Park approves the Operating Permit and the Mobile Food Vending Permit of the Bullriders BBQ & Mac Food Truck in the Town of Orchard Park for the year 2024.



TOWN OF ORCHARD PARK

ENGINEERING DEPARTMENT

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

Phone: (716) 662-6425
Fax: (716) 662-6488
Email: openg@orchardparkny.org

TOWN ENGINEER
WAYNE L. BIELER, P.E.

July 1, 2024

Honorable Town Board
Town of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

**Re: Consultant Agreement
Wetland Delineation and Permit Application
Elmtree & Dorchester Reconstruction Project**

Dear Board Members,

As you are aware, for the past few months the Town has been working with Nussbaumer & Clark on a design for the reconstruction of the road and associated drainage for the above mentioned project. Currently, the road and surface drainage of that area flows north to a tributary of Rush Creek. In order to improve the drainage of that area, work needs to be done in the creek corridor to provide an outlet. The work required needs to be approved and permitted by the U.S. Army Corp and NYS DEC.

Earth Dimensions Inc. is an Environmental Consultant that specializes in Wetland Delineation and Environmental Permitting. They have provided us with a quote of \$1,160.00 for the Permit Application and \$2,415.00 for a detailed delineation of the wetlands.

I, therefore, recommend that you authorize the Supervisor to sign an agreement with Earth Dimensions Inc., 1091 Jamison Road, Elma, New York, 14059 to provide professional services for the Elmtree & Dorchester Reconstruction Project for an amount not to exceed \$3,575.00.

Very truly yours,

Wayne L. Bieler, P.E., CFM
Town Engineer

Attachment.

Cc: Remy Orfeo, Town Clerk
File:2009.015.1

Visit the Town's website at www.orchardparkny.org



**TOWN OF
ORCHARD PARK**

MEMORANDUM

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

DATE: 6/28/2024

TO: Town Clerk, Remy Orffeo, Jenifer Brady, and Building Inspector Tom Minor
FROM: Anna Worang-Zizzi, Planning Secretary
SUBJECT: July 3, 2024 - TB Agenda New Business Item

NEW BUSINESS:

Please refer the following to the Planning & Conservation Boards, for their review and recommendation of the following request:

1. V/L Lake Avenue, located on the north side of an approved 45,000 square foot medical office project at 250 Windward Road. Applicant is requesting rezoning of a .99 acre portion from R-3 to I-1 to construct an 83 space parking lot extension. (SBL #s 152.14-2-24.11 & 152.14-2-24.12)

BUILDING DEPARTMENT COPY: Please review above and indicate if any Zoning corrections are needed.

Reviewed by: _____ **Date:** _____