

**COUNTY OF ERIE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Orchard Park on October 2, 2024 at 7:00 P.M. (local time) at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York 14127, regarding amending § 144-6 by establishing a new Zoning District: D-R-2.

A copy of the proposed amendment establishing the new Zoning District D-R-2 will be on file in the Town Clerk's office during normal business hours.

Remy Orffeo

Town Clerk of Orchard Park

August 13, 2024

CHAPTER 144. ZONING

§ 144-6 Establishment of Districts

[Amended 7-15-1987; 11-15-1995; 2-16-2000; 10-2-2024]

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; 10-2-24]

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
[10-2-2024]

Permitted Principal Uses	Permitted Accessory Uses	Special Exception Uses	Prohibited Uses
<p>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</p>	<p>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</p>	<p>Drive-in service facility</p>	<p>Commercial or private self-storage unit Pedestal signs</p>

**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; 8-8-2024 by L.L. No 8-2024]

	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%

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. [Created 8-27-2024]

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.

§ 144-16.1. Mix Use Developments. [Created 8-27-2024]

- (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.

§ 144-16.1. Mix Use Developments. [Created 8-27-2024]

(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.

§ 144-16.1. Mix Use Developments. [Created 8-27-2024]

[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.

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.

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

Peleckis, Robert / 3975 Southwestern Blvd.

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.

RESOLVED, that the Town Board does hereby approve the Block Party Permit request for Aspen Lane on October 26, 2024 from 3:00PM-8:00PM pending departmental approval.

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

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.

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.

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.



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.

September 30, 2024

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

**Re: Professional Design Services
Orchard Park Little League 90' Baseball Diamond Fencing Project
Thorn Ave. / Duerr Road Facility**

Dear Board Members,

As you are aware, 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.

We have requested a proposal from Appel Osborne who came highly recommended. They completed to OPSP sports field designs. For a lump sum fee of \$7,500 they will provide plans, specification, a construction estimate and final inspection after construction is completed.

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.

I, therefore, recommend that you 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.

Very truly yours,

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

Attachment.

Cc: Remy Orffeo, Town Clerk
File:2023.024

Cory Jenner, Appel Osborne

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