

A Special Meeting was called by the Town Board of the Town of Orchard Park, Erie County, New York, held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 8th day of June, 2011 at 6:21 PM, (local time) and there were:

PRESENT:	Janis Colarusso	Supervisor
	David M. Kaczor	Councilmember
	Edward Graber	Councilmember
	Carol R. Hutton	Town Clerk
	Leonard Berkowitz	Town Attorney
	Wayne Bieler	Town Engineer
	Fred Piasecki	Highway Superintendent
Absent	Nan Ackerman	Councilmember
Absent	Eugene Majchrzak	Councilmember

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

RESOLVED, that at 6:21 p.m. the Town Board does hereby move to open a Special Meeting of the Town Board.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board does approve the entries on Warrant #11 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$ 52,073.60
Part Town Fund	\$ 315.30
Risk Retention	\$ 0.00
Cemetery Fund	\$ 0.00
Highway Fund	\$ 37,198.19
Special Districts	\$126,445.97
Trust & Agency	\$ 10,532.56
Capital Fund	\$ 84,382.49

The resolution was unanimously adopted.

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

WHEREAS, following due and timely notice, a Public Hearing relating to the matter of an amendment to the Zoning Ordinance of the town of Orchard Park, was conducted at the Municipal Center, S4295 South Buffalo St., Orchard Park New York on the 25th day of May 2011, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows:

To rezone vacant land located on the west side of California Road from R-4 to R-4 with the SR designation for Orchard Grove Senior Apartments, as petitioned by Bryan Young,

WHEREAS, no recommendation from the Erie County Department of Planning, pursuant to §239-m of the

General Municipal Law, and

WHEREAS, approval from the Town of Orchard Park Planning Board was received and filed with the Town Board with stipulations

NOW, THEREFORE be it

RESOLVED, that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning from R-4 to R-4 with a Senior Residential designation, per Section 144-46.1 of the Town Code for the purpose of developing an independent living apartment complex project, vacant land located on the west side of California Road as follows:

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. 31, Township 9, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the center line of California Road distant North 00°16'11" West 1223.59 feet from its intersection with the center line of Big Tree Road (Route 20A); thence South 89°43'49" West and along the center line of Jacks Lane as shown on a map filed in the Erie County Clerk's Office under Cover No. 2297 a distance of 200.00 feet to the point of curvature of a curve to the left having a radius of 300.00 feet; thence continuing westerly along the center line of Jacks Lane and along the arc of said curve (the chord of which bears South 82°18'46" West and is 77.46 feet in length) a distance of 77.68 feet to its point of tangency; thence continuing South 74°53'42" West along the center line of Jacks Lane and along the southwesterly extension thereof 123.41 feet to the POINT OF BEGINNING; thence continuing South 74°53'42" West along the said southwesterly extension of Jacks Lane 69.00 feet to the point of curvature of a curve to the right having a radius of 1470.00 feet; thence westerly along the arc of said curve (the chord of which bears South 81°43'31" West and is 349.65 feet in length) a distance of 350.48 feet; thence North 01°26'41" West along a line measured radially to said curve 562.41 feet to the southerly line of lands deeded to Richard Wisniewski and Irene Wisniewski by deed recorded in the Erie County Clerk's Office in Liber 6393 of Deeds at page 65; thence South 89°27'40" West along said southerly line 242.87 feet to the southwest corner of lands so deeded to Wisniewski; thence North 00°48'37" East and along the westerly line of lands so deeded to Wisniewski 400.01 feet to the northwest corner thereof and being a point in the center line of Big Tree Road as formerly laid out; thence South 89°27'40" West along said former center line 237.25 feet to the easterly line of lands deeded to Niagara, Lockport and Ontario Power Company by deed recorded in the Erie County Clerk's Office in Liber 1665 of Deeds at page 336; thence South 00°32'57" West along said easterly line 1484.61 feet; thence North 89°27'40" East and parallel with the north line of Lot No. 31 a distance of 80.74 feet to the westerly line of lands deeded to Harduin Schulze and Hazel M. Schulze by deed recorded in the Erie County Clerk's Office in Liber 4336 of Deeds at page 181; thence North 00°32'57" East and along the westerly line of lands so deeded to Schulze 216.47 feet to the northwest corner thereof; thence North 89°27'40" East along Schulze's northerly line 150.72 feet to the northeast corner thereof; thence South 00°48'37" West along the easterly line of lands so deeded to Schulze 179.12 feet to the northwest corner of lands deeded to Howard G. Oaks and Warren D. Oaks by deed recorded in the Erie County Clerk's Office in Liber 2197 of Deeds at page 336; thence North 87°55'49" East along the northerly line of lands so deeded to Oaks 683.72 feet; thence North 00°16'11" West and parallel with the center line of California Road 200.00 feet; thence North 87°55'49" East 90.64 feet to a point in a line drawn at right angles southerly from the point of beginning; thence North 15°06'18" West and along said line 339.39 feet to the point of beginning, containing 18.48 acres of land more or less.

And be it further

RESOLVED, that this approval is granted with the following condition and stipulations:

- This is an Unlisted SEQR action and the applicant has submitted a Long EAF, Parts One & Two
- This recommendation is contingent upon the applicant completing the project as proposed on the preliminary development plans received on 5/06/11 and shall revert to its original zoning classification if the project is not completed per §144-67 of the Town Code.
- The metes and bound have been submitted for the SR parcel

And be it further

RESOLVED, Bryan Young, the developer of Orchard Grove Senior Apartments held an informational meeting with the following neighbors/home owners: Carol Pacella, Pat Courtney, Blanche Corbo, Charlie Wilson, Tony & Mary Ann Cirelli, Anthony Pacella and Debra Johnson who live in the Orchard Grove Apartment project area to address their concerns.

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board hereby seek Lead Agency status to conduct a coordinated SEQR review (Type 1 Action) for the construction of a proposed Medical Center located at Big Tree Road and the 219 Expressway. (There are no Stipulations).

The resolution was unanimously adopted.

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

RESOLVED, that the Town Board authorize Building Inspector Andrew Geist to have the lawn mowed monthly for the 2011 mowing season at the following address: 60 Velore Avenue, and be it further

RESOLVED, that the cost for mowing will be put on the tax rolls.

The resolution was unanimously adopted.

6) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR COLARUSSO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER GRABER, TO WIT:

RESOLVED, that the Town Board is hereby authorized to rescind Resolution No. 6 under old business in the May 25, 2011 meeting regarding regarding the rezoning of 3421 N. Benzing Rd., and be it further

RESOLVED, that the Town Board does hereby set a Public Hearing for Wednesday, June 22, 2011 at 7:00 PM, at the Municipal Center for Mr. Ernest Dobies, 3421 North Benzing Road (Saville's Outdoor Power Equipment) to rezone property from I-1 to I-1 Special Exception Use, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to publish due notice in the official newspaper of the Town.

The resolution was unanimously adopted.

There being no further business, on a motion by Supervisor Colarusso, seconded by Councilmember Kaczor, the meeting adjourned at 6:30 PM (local time).

Respectfully Submitted



Carol Hutton
Town Clerk