Establishment of the Creation of the Town Drainage District OPDD 2-3 for the Birdsong Subdivision – Eastern Section, owned by D.P.S. Southwestern Corp.

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 2-3, 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 Greenman-Pedersen, Inc., 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 and 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 2-3, 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 (Exhibit A-1) of the proposed new Town Drainage District OPDD 2-3 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 2-3 is bounded and described in the map, plan and report attached hereto and made a part hereof, which reads as follows:

Exhibit A-1

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Orchard Park, County of Erie, State of New York being part of Lots 62, 70 and 71, Township 9, Range 7 of the Holland Land Survey (so-called) bounded and described as follows:

BEGINNING at the point of intersection of the northerly line of Fox Chapel Estates Subdivision as shown on a map filed in the Erie County Clerk’s Office under Map Cover 2285 with the southeasterly corner of Birdsong Subdivision, Part 3A as shown on a map filed in the Erie County Clerk’s Office under Map Cover 3207;

THENCE: Along easterly lines of said Birdsong Subdivision, Part 3A the following thirteen (13) courses and distances:

1.) N-00°-33’-09”-E, a distance of 260.00 feet to a point;
2.) N-89°-26’-51”-W, a distance of 44.00 feet to a point;
3.) N-00°-33’-09”-E, a distance of 200.00 feet to a point;
4.) S-89°-26’-51”-E, a distance of 125.00 feet to a point;
5.)  N-03°-59'-59"-E, a distance of 576.82 feet to a point;
6.)  N-22°-17'-01"-W, a distance of 50.97 feet to a point;
7.)  S-75°-14'-11"-W, a distance of 428.44 feet to a point;
8.)  N-14°-45'-49"-W, a distance of 300.00 feet to a point;
9.)  S-75°-14'-11"-W, a distance of 12.50 feet to a point of curvature;
10.) Westerly on a curve to the right having a radius of 3,250.00 feet, an arc distance of 80.00 feet (chord being S-75°-56'-30"-W, 80.00 feet), to a point;
11.)  N-31°-07'-04"-E, a distance of 28.11 feet to a point;
12.)  N-14°-14'-05"-W, a distance of 154.29 feet to a point of curvature;
13.)  Northerly on a curve to the left having a radius of 220.00 feet, an arc distance of 75.19 feet (chord being N-24°-01'-34"-W, 74.83 feet) to a point;
14.)  S-56°-10'-57"-W, a distance of 154.35 feet to a point;
15.)  S-89°-20'-58"-W, a distance of 310.96 feet to a point;
16.)  N-69°-07'-13"-W, a distance of 237.98 feet to a point;
17.)  N-39°-06'-51"-W, a distance of 179.31 feet to a point;
18.)  N-01°-36'-09"-E, a distance of 433.05 feet to a point on the north line of said Lot 62;

THENCE: S-86°-36'-27"-E, along the north line of said lot 62 a distance of 434.08 feet to the Northeast corner thereof;

THENCE: S-86°-41'-41"-E, along the north line of said lot 70 a distance of 1927.29 feet to the southeast corner of lands conveyed to Charles E. Balbach Rev Trust (Now or Formerly);

THENCE: N-03°-24'-40"-E, along the east line of said Charles E. Balbach Rev Trust, lands a Distance of 1422.32 feet to a point;

THENCE: S-85°-26'-04"-E, along the north line of lands conveyed to Addison Ventures LP by Deed recorded in Liber 10962 of Deeds at page 7853 a distance of 1685.83 feet to the westerly boundary line of Transit Road;

THENCE: S-03°-14'-40"-W, along the westerly boundary line of Transit Road a distance of 3704.17 feet to a point;

THENCE: along the north and west lines of land conveyed to Joseph V. and Mary Nardiello by deed recorded in Liber 9401 of Deeds at page 410 the following two (2) courses and distances:

1.)  N-85°-45'-20"-W, a distance of 460.00 feet to a point;
2.) S-03°-14'-40"-W, a distance of 116.49 feet to the northerly line of Chapel Hill Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover 2491;

THENCE: S-87°-11'-36"-W, along the northerly line of said Chapel Hill Subdivision, a distance of 1,330.37 feet to the easterly line of lands conveyed to Michael J. and Robyn E. Loehfelm by deed recorded in Liber 11171 of Deeds at page 3023;

THENCE: N-02°-50'-31"-W, along the easterly line of said Loehfelm lands, a distance of 125.98 feet to the northeasterly corner thereof;

THENCE: S-87°-09'-29"-W, along the northerly line of said Loehfelm lands, a distance of 125.00 feet to the easterly line of Fox Chapel Estates Subdivision as shown on a map filed in the Erie County Clerk's Office under Map Cover 2491;

THENCE: N-02°-50'-31"-W, along the easterly line of said Fox Chapel Estates, a distance of 159.44 feet to a point;

THENCE: N-28°57'-29"-W, along a northeasterly line of said Fox Chapel Estates, a distance of 159.15 feet to the southeasterly line of lands conveyed to Timothy E. and Theresa M. Sherer by deed recorded in Liber 11140 of Deeds at Page 2163;

THENCE: N-54°-58'-00"-E, along said southeasterly line a distance of 52.00 feet to a northeasterly line of said Sherer lands;

THENCE: Along northeasterly lines of said Sherer lands the following three (3) courses and distances:

1.) N-34°-14'-34"-W, a distance of 82.79 feet to a point;

2.) N-61°-25'-51"-W, a distance of 30.00 feet to a point;

3.) N-69°-55'-08"-W, a distance of 136.47 feet to a point on a northerly line of said Fox Chapel Estates;

THENCE: Along northerly lines of said Fox Chapel Estates the following three (3) courses and distances:

1.) N-61°-29'-31"-W, a distance of 60.00 feet to a point;

2.) N-76°-43'-18"-W, a distance of 205.65 feet to a point;

3.) N-89°-26'-51"-W, a distance of 200.27 feet to the POINT OR PLACE OF BEGINNING containing 218.97 acres be the same more or less.

WHEREAS, the Town Board has given due consideration to the impact that the establishment of the new Town Drainage District OPDD 2-3 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 2-3 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 2-3; and

WHEREAS, said new Town Drainage District OPDD 2-3 hereinabove described is to be constructed and paid for by or on behalf of the petitioner, D.P.S. Southwestern Corp. 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 2-3 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 Orchard Park Municipal Center, 54295 South Buffalo Street, Orchard Park, New York on the _______ day of ____________, 2021 at 7:00 p.m. (prevailing time); to consider the establishment and creation of the new Town Drainage OPDD 2-3 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.
WHEREAS, by resolution on April 15, 2020 the Town Board re-organized the administration and operation of the Town of Orchard Park’s Parks & Grounds Department, and

WHEREAS, Ed Leak was appointed Chief Administrator of the Town of Orchard Park’s Parks & Grounds Department with a term expiring December 31, 2020,

NOW THEREFORE be it

RESOLVED THAT

Ed Leak is appointed Chief Administrator of the Town of Orchard Park’s Parks & Grounds Department at the stipend approved in the Town’s 2021 budget for a term from January 1, 2021 to December 31, 2021.
WHEREAS, the Town Board minutes of October 7, 2020, under Public Comment, contained a list of people who spoke during the Public Comment or submitted e-mails/letters in favor of or opposed to the development of ECRT ROW (Erie County Rails to Trails, Right of Way), and

WHEREAS, the Town Board minutes of October 7, 2020 contained a factual error in listing people who had spoken or submitted e-mails/letters in favor of or opposed to the development of ECRT ROW, and

WHEREAS, this factual error can be corrected by removing the name of Vivian Liberto from the list of people supporting the ECRT ROW, and

WHEREAS, the Orchard Park Town Board desires that this correction be made

NOW, THEREFORE, be it

RESOLVED that the Town Clerk will amend the Town Board minutes of October 7, 2020 by removing Vivian Liberto from the list of people supporting the ECRT ROW.
WHEREAS, Captain Jason Schiedel has retired from the Orchard Park Police Department, and
WHEREAS, Captain Jason Schiedel has retired from the Public Safety Committee in both his role as a member and Chairman, and
WHEREAS, the Public Safety Committee is in need of a member to place Captain Jason Schiedel
NOW, THEREFORE be resolved that
Orchard Park Police Captain Gregory Sheppard is appointed to the Public Safety Committee with a term to expire on December 31, 2021, and
BE IT FURTHER RESOLVED that
Captain Gregory Sheppard is appointed Chairman of the Public Safety Committee for the year 2021.
To: Town Board  
From: Ed Leak  
Subject: Resolution  
January 20, 2021

WHEREAS, Article 12 of the Erie County Charter has established a division of youth within the Erie County Department of Social Services; and

WHEREAS, Orchard Park administers a Recreation/Youth program to advance the moral, physical, mental and social well-being of youth of the County of Erie; and

WHEREAS, the County desires to assist Orchard Park with its Recreation/Youth programs, and to secure reimbursable funds therefore from the State of New York; and

WHEREAS, the Erie County Legislature has approved the Recreation/Youth program and authorized the County Executive to execute all necessary documents and agreements to implement such programs.

NOW THEREFORE, be it

RESOLVED, that Deputy Supervisor Liberti is authorized to sign an agreement with the County of Erie and the Town of Orchard Park for the reimbursement of 2021 funds towards summer Recreation/Youth services programming.
MEMORANDUM

2-10-21

To: Dawn - Payroll

From: Frederick J. Piascik, Jr.

Ref: Payroll - Compost (Seasonal)

Dawn,

Dave Helwig $20.40/hr.

Effective: February 16, 2021

Note: Rate same as previous year

Coding SR8161 50104
February 16, 2021

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

Re: Advertisement for Bids
Highway Building Generator Replacement & Sewer, Water & Lighting/Parks
Building Generator Installation Project

Dear Board Members:

Our Consultant Electrical Engineer, C&S Companies, has completed the design for the above-mentioned project. The project consists of replacing the currently undersized generator at the Highway Building with a new, natural gas powered, 25Kw, 3-phase generator large enough to power the entire building. Also included in the project is the installation of a new natural gas powered, 15Kw, single phase generator at the Sewer, Water & Lighting/Parks Building. Currently, the only back up power for that building is a small portable generator that requires manpower to setup/start and constantly monitor fuel and does not power the entire building. Both generators will be automatic standby units that will not require personnel to operate.

There is currently $242,083 in account AB007 Orchard Park Municipal Buildings Projects. The cost estimate for the project, provided by the design consultant, is +/-$98,000.

The Advertisement for Bids should be published on February 18, 2021. Plans will be available for purchase on February 19, 2021. The bid opening is scheduled to be held on March 12, 2021.

I, therefore, recommend that you adopt the following resolutions;

1) Authorize the creation of a capital account for the AB013 "Highways and Sewer, Water & Lighting/Parks Building Generators".
2) Authorize the transfer of $150,000 from AB007, OP Municipal Buildings Projects, into the newly created capital account AB013 "Highways, Sewer, Water & Lighting/Parks Building Generators".
3) Accept the plans and specifications for the proposed Highways Building Generator Replacement and Sewer, Water & Lighting/Parks Building Generator Installation Project as prepared by C&S Companies and authorize advertisements in The Bee for sealed bids to be opened for Highways Building Generator Replacement and Sewer, Water & Lighting/Parks Building Generator Installation Project at 10:00 A.M. on March 12, 2021 in the Basement Meeting Room) at the Orchard Park Municipal Center.

Respectfully submitted,

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

cc: Timothy Gallagher, Town Attorney
    Remy Orfeo, Town Clerk (w/ Notice to Bidders)
    Nicole Ruf, Drescher & Malecki
    File #19.005

Visit the Town’s website at www.orchardparkny.org
February 16, 2021

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

Re: Testing Consultant Approval
Milestrip Road Water Tank Abandonment

Dear Board Members:

As you are aware, the Engineering Department is currently assembling the necessary documents and specifications for the removal of the Milestrip Road Water Tank. It is required that the Town identify any potential hazardous materials prior to demolition; mainly identifying whether the paint contains lead.

It is important to note that while the test may indicate the presence of lead paint, it is highly unlikely that the percentage by weight will be sufficient to cause environmental or personal harm during the removal process. It is also highly unlikely that the tank, once removed, will require any special disposal methods.

Three local companies were contacted to provide lead testing proposals. Only two of the companies contacted still hold the necessary licensing to perform the tests. AMD Environmental has provided the best rates and has completed testing services for the Town in the past.

There is currently money for the testing in Capital Account FX005 – Water Tanks. However, additional funds may need to be secured prior to bidding the project.

I, therefore, recommend that you authorize the Deputy Supervisor to sign an agreement with AMD Environmental Consultants, 712 Main St. Suite L1, Buffalo, NY 14202, for the lead based paint inspection of the Milestrip Water Tank in an amount not to exceed $400.00.

Respectfully submitted,

Wayne L. Bieler, P.E.
Town Engineer

Attachments

cc: Timothy Gallagher, Town Attorney
    Remy Orffeo, Town Clerk
    ECWA
    File 14.013

Visit the Town’s website at www.orchardparkny.org
MEMORANDUM

To: Honorable Town Board
From: Wayne L. Bieler, P.E., CFM Town Engineer
Date: February 12, 2021
Subject: Budget Transfer – Sewer, Water & Lighting Department

I request that you authorize the following budget transfer within the 2021 Budget due to the Payroll Clothing Allowance Payout within the Sewer, Water & Lighting Department:

$ 400.00

From: Budget Code: WS8346 50200 (General Equipment)  
To: Budget Code: WS8346 50407 (Clothing Allowance)

cc: Remy Orfeo, Town Clerk  
    Andy Slotman, Crew Chief  
    Tricia Jurek, Accounting  
    Drescher & Malecki LLP  
    File
RESOLVED, that the Town Board does hereby appoint James Morse to the Ethics Board to a
term expiring on December 31, 2025 and

HEREBY it further be

RESOLVED, that James Morse is appointed as Chairman of the Ethics Board for the year 2021.
With regard to 4182 South Taylor Road, located on the west side of South Taylor, north of Route 20A, Zoned I, the Planning Board recommends that the Town Board GRANT Site Plan Approval and issue a Building Permit to construct two (2) Storage Facility Buildings, (8,550 SF & 5625 SF) per the plans received on 1/11/21, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF Part I, and a Negative Declaration is recommended.
3. The Site Lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Revised Landscape Plan, received 11/10/20, meets all Green Space regulations with 30.11% Green Space. In accordance with Section 144-44(c) (1) (a)(2), a Certified Check amounting to 50% of the $9,850 Landscaping Estimate Value shall be deposited with the Town Clerk ($4,925) Conservation Board approval was granted on 11/3/20.
6. Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code.
7. The two (2) required drainage easements between 4182 South Taylor Road and 4196 South Taylor Road shall be filed with the Erie County Clerk's Office prior to the Building Inspector issuing a Certificate of Occupancy (CO).
8. The parking space requirement of 24-spaces is waived. The 20-spaces shown on the Site Plan is accepted.
9. Town Engineering Approval was granted on 2/11/21.
10. The Parking space waiver is dependent on the continuation of the Town Code use approved by the Planning Board.
With regard to Orchard Heights, 5200 Chestnut Ridge Road, Zoned R-3, with SR designation, the Planning Board recommends that the Town Board GRANT Site Plan Approval and issue a Building Permit to construct Phase 2 of this project per the plan received on 11/06/2020, based on the following conditions and stipulations:

1. All public notices have been filed.
2. This is an Unlisted SEQR Action, based on the Short EAF Part 1 and a Negative Declaration is recommended.
3. The Site Lighting is limited to those fixtures and poles indicated on the approved Site Plan. Light fixtures shall have flat lenses and all lighting is to be directed downward and toward the site.
4. No outside storage or display is permitted.
5. The Landscape Plan, received 6/5/2020, meets all Green Space regulations with 60% Green Space. In accordance with Section 144-44(c) (1) (a) (2), a Certified Check amounting to 50% of the $16,125 Landscaping Estimate Value shall be deposited with the Town Clerk. ($8,062.50) Conservation Board approval was granted on 07/07/2020.
6. Town Engineering Approval was granted on 2/8/21 on the Site Plan dated 11/6/20.
7. A Certificate of Occupancy (CO) will be withheld until resolution and determination of dumpster location by the Planning Board is reached.
Minutes
Village of Orchard Park
Board of Trustees

The regular meeting of the Board of Trustees of the Village of Orchard Park was held on Monday, February 8, 2021 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:
- Mayor Jo Ann Litwin Clinton
- Deputy Mayor Matthew J. Hartung
- Trustee Francis T. Hogenkamp
- Trustee James C. Cosgrove

Others present:
- Clerk-Treasurer Mary Beth Jensen
- Manager of Public Works Wittmeyer

Members excused:
- Trustee Lauren A. Kaczor

Mayor Clinton made the following announcement:
"Fire exits are located at the rear in the Board Room and at the doorway to the lobby. In the event of a fire, you will be notified by announcement on the public address system. If notified, please move in a calm and orderly fashion to the nearest exit."

Moved by Trustee Hogenkamp, seconded by Trustee Cosgrove to accept the minutes of January 25, 2021 as presented.

On the question: voting “Aye”  voting “Nay”  Carried
- Trustee Hogenkamp
- Trustee Hartung
- Trustee Cosgrove

Moved by Trustee Hartung, seconded by Trustee Cosgrove that the vouchers numbering 3860 to 3874 in Abstract #13 of 2020-2021 in the amount of $24,422.12 be paid as presented.

On the question: 3 voting “Aye”  0 voting “Nay”  Carried
- Trustee Hogenkamp
- Trustee Hartung
- Trustee Cosgrove

No comments from the floor of items not on the agenda.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp that the reports of the Water Department and Treasurer for the month of January be received and filed.

On the question: 3 voting “Aye”  0 voting “Nay”  Carried
- Trustee Hogenkamp
- Trustee Hartung
- Trustee Cosgrove
Manager of Public Works Wittmeyer had nothing to report.
Deputy Mayor Hartung had nothing to report.
Trustee Hogenkamp had nothing to report.
Trustee Cosgrove had nothing to report.
Clerk Treasurer Jensen had nothing to report.
Mayor Clinton had nothing to report.

Moved by Trustee Cosgrove, seconded by Trustee Hogenkamp to appoint John Capriotto to the Economic Development Committee, representing the Village.

On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove

The next regular meeting is scheduled for February 22, 2021.

Moved by Trustee Hartung, seconded by Trustee Hogenkamp to adjourn at 7:04 pm.
On the question: 3 voting “Aye” 0 voting “Nay” Carried
Trustee Hogenkamp
Trustee Hartung
Trustee Cosgrove

Respectfully submitted,
Mary Beth Jensen, Village Clerk-Treasurer
# Building Inspector Monthly Report - January 2021

## Building Permits

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**Total:** 77 inspections, 4,677,042

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<tr>
<td>Sheds</td>
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<td>3</td>
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<td>Signs</td>
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<td>Solar PV System</td>
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<tr>
<td>Fire Inspections</td>
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<td>12</td>
<td>20</td>
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<tr>
<td>Closeout Inspections</td>
<td>8</td>
<td>9</td>
<td>2</td>
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<tr>
<td><strong>Total Inspections:</strong></td>
<td>79</td>
<td>40</td>
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<td>101</td>
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## Meetings Attended

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<th>Meetings Attended</th>
<th>Town Board</th>
<th>Planning Board</th>
<th>ZBA</th>
<th>Court</th>
</tr>
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<tbody>
<tr>
<td>Steven Bremer</td>
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<tr>
<td>David Holland</td>
<td></td>
<td></td>
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<td>John Wittmann</td>
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<tr>
<td>Tom Minor</td>
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<td>Rayne Degre</td>
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</tbody>
</table>

## Zoning Board of Appeals

- **Granted**: 3
- **Denied**: 0

## Remarks

**Signature**: [Signature]

**Date**: 2/4/21