

A Meeting of the Town Board of the Town of Orchard Park, Erie County, New York, was held at the Orchard Park Municipal Center, S4295 South Buffalo Street, Orchard Park, New York on the 16th day of November 2005 at 7:00 P.M., (local time). The meeting was called to order by the Supervisor and there were:

PRESENT AT ROLL CALL:	Toni M. Cudney	Supervisor
	Nancy W. Ackerman	Councilwoman
	Stanley A. Jemiolo, Jr.	Councilman
	David R. Kaczor	Councilman
	John J. Mills	Councilman
	Janis A. Colarusso	Town Clerk
	Leonard Berkowitz	Town Attorney
	Andrew Geist	Building Inspector
	Samuel McCune	Chief of Police
	Frederick Piasecki, Jr.	Highway Superintendent
	Wayne Bieler	Town Engineer

Old Business #1 Sid's on the Boulevard, Southwestern Boulevard Request for a Building Permit

1) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby approve the request for a Building Permit for Philip LaMonte, Sid's on the Boulevard, 3700 Southwestern Boulevard, to construct a 387 square foot deck off of the existing building. The Planning Board, 11/9/05, recommends approval of this request and of the site plan with the following stipulations:

- This is a Type II SEQR Action and therefore no SEQR determination is required.
- No outside storage or display is permitted.
- Lighting as described by the applicant will not affect the neighborhood.
- A landscape completion bond in the amount of \$180.00, or a certified check in the amount of \$90.00, must be provided to the Town of Orchard Park in order to obtain a Building Permit.

The resolution was unanimously adopted.

Old Business #2 Quaker Crossing East Request for a Building Permit to build a Retail Plaza

2) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

RESOLVED, that the Town Board does hereby approve the request for a Building Permit for Quaker Crossing East, to construct a 162,191 square foot retail plaza. The Planning Board, 11/9/05, recommends approval of this request and of the site plan with the following stipulations:

- A Positive Declaration was issued by the Town Board and Findings to Approve were issued by the Town Board on 9/7/05.

- The site lighting is limited to those fixtures and poles indicated on the approved site lighting. Light fixtures shall have flat lenses and zero cut-offs. Building lighting will be subject to submission to the Planning Board for review and approval as tenants are identified.
- No outside storage or display is permitted.
- Dumpsters as shown shall be screened, along with any additional dumpsters, in accordance with Section 144-25 of the Town Code. General plaza litter control shall be in accordance with the existing agreements regarding litter control for the existing Quaker Crossing.
- A Landscape Completion Bond in accordance with Conservation Board minutes for the entire parking area, surface road, buffer and the Ashley furniture store shall be provided for the approved landscape plan which contains 19.5 % green space. A five-year landscape completion bond must be obtained in the amount of \$114,381.00, or a certified check in the amount of \$57,190.50, must be provided to the Town of Orchard Park in order to obtain a Building Permit. Prior to the receipt of a Building Permit, future landscaping for the outparcels, Building "B" along Amanda and the buildings north of Ashley Furniture shall be submitted for review and approval by the Town Conservation Board and the Town Board. Requests for buildings permits for the remaining outparcels and Building "B" shall be submitted to the Planning Board and Town Board for review and approval.
- The completion of the NYSEG & NYMO encroachment agreements shall be finalized before a certificate of occupancy is issued to the first tenant of this plaza.
- Recommendation is contingent upon receiving Town Engineering Approval. The Engineering Department is awaiting receipt of operation and easement agreements that must be reviewed and approved by the Town Attorney.

The resolution was unanimously adopted.

Old Business #3 Benderson Dev., Vacant Land East Side of N. Buffalo Road Requesting Rezoning

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

WHEREAS, Benderson Development Company, LLC/RB-3 Associates (Project Sponsor) filed an application requesting an amendment of the zoning classification of a parcel of vacant land situated on the east side of North Buffalo Road (Project Site) from B-3 to B-2, and

WHEREAS, the Project Sponsor has requested an amendment of the zoning classification of a parcel of the Project Site from B-3 to B-2 to allow the Project Site to be utilized as a commercial development with two multi-tenant buildings, and

WHEREAS, the Town has reviewed the Environmental Assessment Form, submitted by the Project Sponsor under the provisions of the State Environmental Quality Review Act, Environmental Conservation Law Article 8 and 6 NYCRR Part 617 (SEQRA) in support of the application, and

WHEREAS, on October 19, 2005 the Town Board held a public hearing on the requested amendment of the zoning classification of a portion of the project site from B-3 to B-2, and

WHEREAS, the Town Board has reviewed the layout of the proposed commercial development, as shown on the site plan dated August 11, 2005 prepared by the Project Sponsor, and

WHEREAS, the Town Board has given proper consideration to all relevant documentation including but not limited to information presented during the public hearing held by the Town Board on October 19, 2005,

NOW, THEREFORE, be it

RESOLVED, that the Town Board issues a negative declaration pursuant to SEQRA based on its determination that the project will not result in any significant adverse environmental impacts to the environment, and be it further

RESOLVED that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and are hereby amended by rezoning vacant land on the east side of North Buffalo Road from B-3 to B-2 as described as follows:

ALL THAT TRACT OR PARCEL OF LAND BEGINNING at the point of intersection of the easterly of Orchard Park Road (66 feet wide) with the north line of lands conveyed to Henry Arnold and David Eddy by instrument recorded in Liber 1 of Deeds at page 73, said north line of Arnold and Eddy being parallel with the south line of Lot 16, and distant 1096.26 feet there from, thence easterly along said Arnold's and Eddy's north line, at an interior angle of 93°48'39", a distance of 317.70 feet; Thence northerly, at an interior angle of 86°11'21", a distance of 395.86 feet to a point; Thence westerly at an interior angle of 93°48'39", a distance of 317.48 feet to a point in the east line of Orchard Park Road; thence southerly and along the easterly line of said Orchard Park Road at an interior angle of 87°13'14", a distance of 392.20 feet to the point or place of beginning.

And be it further

RESOLVED, that the Town Board approves the amendment of the zoning classification of a portion of the project site from B-3 to B-2 subject to the following conditions:

- There will be no drive thru restaurants permitted on the site.
- A 25 foot landscaped buffer area along the eastern boundary of the parking lot shall be provided.
- The remainder of the easterly portion of the residential area will remain undisturbed until any further project request is received by the Town and/or unless drainage work is required by the Town Engineer.

And be it further

RESOLVED, that this ordinance shall take effect ten (10) days after publication and posting in accordance with law, and be it further

RESOLVED, that the Town Clerk shall publish and post a copy of said amendment on the official board in Town Hall in accordance with Sections 264 and 265 of Town Law.

Councilman Jemiolo stated that the third stipulation pertains to the vacant R-Land behind the business zoned project. The Town Board does not want part of it cut down, and wants it to remain intact. If a project is to ever be developed on this parcel, it will be reviewed by the Town Board, and appropriate action taken for the remainder of that land.

Supervisor Cudney stated, that in conversation with Mr. Recoon (Benderson Development), Benderson Development would consider a berm on the 25 foot buffer area and work with the Conservation Board to get something in place with trees planted on top of it, so there would be a noise and light barrier for that R-2 zone.

Mr. Recoon stated they (Benderson Development) would consider that request during the site plan review process, and work with the Conservation Board on it.

The resolution was unanimously adopted.

Old Business #4 Adopt the 2006 Preliminary Budget & Benefit Basis Special District Budget

4) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMILO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, on October 2, 2005 a Public Hearing was held in the matter of the 2006 Ad Valorem Budget and the 2006 Benefit Basis Special District Budget,

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby adopt the Town of Orchard Park 2006 Preliminary Ad Valorem Budget as previously filed by the Town Supervisor, and known as the "Preliminary" 2006 Ad Valorem Budget with the following amendments:

Ad Valorem Budget Expenditure amendments:

- Within the General Fund, account A.1010.419, Town Board – Other Expenses decreased from \$1,800 to \$800 - \$1,000
- Within the General Fund, account A.1220.419, Supervisor – Other Expenses decreased from \$3,500 to \$1,500 - \$2,000
- Within the General Fund, account A.1355.139, Assessor-Clerical increased from \$10,400 to \$25,717 + \$15,317
- Within the General Fund, account A.1420.110, Law-Deputy Town Attorney increased from \$21,485 to \$23,949 + \$2,464
- Within the General Fund, account A.1110.137, Town Justice – Clerical Personnel decreased from \$66,342 to \$66,134 - \$208
- Within the General Fund, account A.1220.137, Supervisor – Clerical Personnel increased from \$130,511 to \$131,499 + \$938
- Within the General Fund, account A.1410.111 Town Clerk – Deputy Town Clerk increased from \$36,327 to \$36,714 + \$387
- Within the General Fund, account A.1410.137, Town Clerk – Second Deputy Town Clerk decreased from \$32,340 to \$31,903 - \$437
- Within the General Fund, account A.7610.100, Senior Citizens Program – Salaries decreased from \$66,385 to \$63,715 - \$2,670
- Within the General Fund, account A.1620.901, Buildings – Transfer to Capital Reserve – Municipal Building/Plant decreased from \$10,000 to \$0 - \$10,000
- Within the General Fund, account A.1410.111, Town Clerk – Deputy Town Clerk decreased from \$36,714 to \$35,818 - \$896
- Within the General Fund, account A.1410.137, Town Clerk – Second Deputy Town Clerk decreased from \$31,903 to \$31,008 - \$895
- Within the General Fund, account A.1410.139, Town Clerk – Part-Time Clerical decreased from \$6,180 to \$5,180 - \$500
- Within the General Fund, account A.1410.141, Town Clerk – Records Management Clerk decreased from \$6,459 to \$5,959 - \$500

Net Ad Valorem Budget expenditure amendments:	-0-
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Ad Valorem Budget revenue amendments:

- Within the General Fund, account A.2410.000, Interest Earnings increased from \$100,000 to \$104,000 + \$4,000

Net Ad Valorem Budget revenue amendments:	+\$4,000
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Ad Valorem Budget real property tax amendments:

- Within the General Fund, account A.1001.000, Real Property Tax, decreased from \$3,953,174 to \$3,949,174 - \$4,000

Net Ad Valorem Budget real property tax amendments:	-\$4,000
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BE IT FURTHER

RESOLVED, that the Town Board does hereby adopt the Town of Orchard Park 2006 Benefit Basis budgets as previously filed by the Town Supervisor and known as the "Preliminary" 2006 Benefit Basis Budget with the following amendments:

Benefit Basis expenditure amendments:

- Within the consolidated Water & Sewer Operations budget, account 001.8345.110, Salary of Town Attorney is increased from \$3,823 to \$7,893 +\$4070
- Within the consolidated Water & Sewer Operations budget, account 001.8346.550, Contingency is decreased from \$20,000 to \$15,930 -\$4070

Net Benefit Basis Budget expenditure amendments:	- 0 -
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Councilman Jemiolo stated that the changes that were made are minor and will not affect the tax rate to the public or the amount of money that the Town Board is spending.

Supervisor Cudney stated that the Supervisor's 2006 Preliminary Budget, as prefilled, is her preferred budget, so she will be voting no on these amendments.

Supervisor Cudney	Nay
Councilwoman Ackerman	Aye
Councilman Jemiolo	Aye
Councilman Kaczor	Aye
Councilman Mills	Aye

The resolution was duly adopted.

New Business #1 Buffalo Niagara Court Center, Vacant Land on Weiss Ave. Rezoning Request

5) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILLS, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR CUDNEY, TO WIT:

WHEREAS, the Buffalo Niagara Court Center, Inc. is requesting a rezoning of vacant land on Weiss Road from R-2 to B-2 to construct an indoor volleyball center, and

WHEREAS, this request was referred to the Planning Board (November 9, 2005) who in turn recommended that the Town Board initiate the SEQR process with a Coordinated SEQR Review

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby initiate the SEQR process with a Coordinated SEQR Review for the Buffalo Niagara Court Center, Inc., who is requesting rezoning from R-2 to B-2, to construct an indoor volleyball center, and be it further

RESOLVED, that the Town Board does hereby seek Lead Agency Status on this project, as recommended by the Planning Board at their November 9, 2005 meeting.

The resolution was unanimously adopted.

New Business #2 Supervisor to Sign Agreement/Assist. For Completion of the Comprehensive Plan

6) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign the Agreement with Wendel Duchscherer, who prepared the Land Use Study, to assist the Town of Orchard Park with the SEQR completion of the Comprehensive Plan, and be it further

RESOLVED, that the cost for this service does not exceed \$6,100.00.

The resolution was unanimously adopted.

New Business #3 Authorize the Release of Escrow Under PIP #2004-04, Birdsong Subdivision

7) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

WHEREAS, on December 15, 2004, the Town Board accepted dedication of the public improvements constructed in the Birdsong Subdivision, PIP # 2004-04, with the stipulation that funds paid by the developer be held in escrow until the following was completed: Thirteen (13) Street Lighting: \$26,500; Topsoil/seeding and grading: \$22,500; Landscaping: \$10,000; Debris and Miscellaneous Removals: \$2,000; Forty (40) feet of Concrete Gutter Replacement: \$1,000; Sanitary Sewer RIM Adjustments: \$2,500; Extending Drainage Outlet: \$10,000, and

WHEREAS, the developer has since completed the above referenced work on Birdsong Parkway, and portion of Mallard Lane. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the \$26,500, \$22,500, \$10,000, \$2,000, \$1,000, \$2,500 and the \$10,000 held in escrow under PIP #2004-04 for the completion of Street Lightening, Topsoil/Seeding and Grading, Landscaping, Debris and Miscellaneous Removals, Replacement of 40-feet of Concrete Gutter, Sanitary Sewer RIM Adjustments, and Extending Drainage Outlet respectfully to Birdsong Development Assoc. LLC, 158 Brandywine Drive, Williamsville NY 14221, for the Birdsong Subdivision Part 3A, Phase 1, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #4 Authorize the Release of Escrow - PIP #2004-07, Birdsong Subdivision

8) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

WHEREAS, on December 15, 2004 the Town Board accepted dedication of the public improvements constructed in the above referenced subdivision with the stipulation that funds paid by the developer be held in escrow until the following was completed: Eight (8) Street Lighting: \$16,000; Topsoil/seeding and grading: \$7,500; Landscaping: \$3,500; Debris and Miscellaneous Removals: \$1,000; Ten (10) feet of Concrete Gutter Replacement: \$500, and

WHEREAS, the developer has since completed the above referenced work on the Mallard Lane, Mourning Dove Court and Sandpiper Court. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the \$16,000, \$7,500, \$3,500, \$1,000 and \$500 held in escrow under PIP #2004-07 for the completion of Street Lighting, Topsoil/Seeding and Grading, Landscaping, Debris and Miscellaneous Removals, Replacement of 10-feet of Concrete Gutter respectfully to Birdsong Development Assoc. LLC, 158 Brandywine Drive, Williamsville NY 14221, for the Birdsong Subdivision, Part 3A, Phase 2, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #5 Authorize the Release of Escrow - PIP #2004-06, Lowe's Home Imp. Center

9) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

WHEREAS, on February 2, 2005, the Town Board accepted dedication of the public improvements constructed under PIP #2004-06, Lowe's Home Improvement Center Watermain Extension, with the stipulations that funds paid by the contractor be held in escrow until grading and seeding, and replacement of a sidewalk and asphalt apron, within the right-of-way was completed, and

WHEREAS, the contractor has since completed the required grading and seeding and replacement of a sidewalk and asphalt apron along Southwestern Boulevard. The work was inspected by the Engineering Department and found to be in compliance with Town specifications.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release \$1,500 and \$2,500 held in escrow under PIP #2004-06 for the completion of Grading and Seeding, and the Replacement of Sidewalk and Asphalt Apron for the Lowe's Home Improvement Center Watermain Extension to DiMarco Constructors LLC, 1950 Brighton-Henrietta Townline Road, Rochester NY 14623, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #6 Town Attorney to proceed with dedication for PIP #2005-03, Birdsong Subdivision

10) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN KACZOR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

WHEREAS, on November 10, 2005, a final inspection was conducted of the public improvements constructed in the Birdsong Subdivision, Part 3A, Phases 3 and 4A. The project included the completion of Mallard Lane, the continuation of Woodthrush Trail, and completion of Sandpiper Court and cul-de-sac as shown on the location map. The completion of this subdivision phase will allow 25 new single family residential lots to be developed, and

WHEREAS, all work has been satisfactorily completed in accordance with Town specifications with the exception of the following, which will be completed when weather permits: Removal of Shale Pile off of subplot 25 and Install Swale: \$5,000; Repair topsoil/seeding and grading of Rear Yard Swales: \$10,000; Complete landscaping planting in cul-de-sac: \$2,000; Complete Survey Monuments' Control to 2nd Order: \$2,000, and

WHEREAS, the Engineering Department is in receipt of the cash securities for the items noted above. A two-year maintenance bond letter in the amount of \$262,500 has been submitted along with all other necessary documents.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby authorize the Town Attorney to proceed with the dedication of the Public Improvements in the Birdsong Subdivision, Part 3A, Phases 3 & 4A constructed under PIP #2005-03, and be it further

RESOLVED, that the Town Board does hereby authorize the Town Clerk to release the Performance Security in the amount of \$52,500.00 to Birdsong Development Assoc., LLC, 158 Brandywine Drive , Williamsville NY 14221, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #7 Approve Change Order #4 to Sicar for the Baker Road Reconstruction Project

11) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN MILLS, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, the Engineering Department is requesting approval of Change Order No. 4 to the contract with Sicar, Inc., for the Baker Road Reconstruction Project in the amount of \$9,908.00. If approved, this would increase the total contract amount to \$3,139,446.05, representing an increase of 0.32%, and

WHEREAS, the Change Order requested is to perform additional work associated with wetland mitigation and establish 0.14 acres of wetlands to be in compliance with NYSDEC Permit DEC No. 9-1460-00143/00001 for the above referenced project, and

WHEREAS, the Engineering Department did not have NYSDEC direction to develop and complete the design for the mitigation work prior to letting the Baker Road Reconstruction Project out to bid. The Engineering Department did receive this direction and subsequent approval for the design on October 27, 2005, the work includes excavation of 330 cubic yards of materials on the Warning property, as well as filling other areas as requested by the Warning family. This wetlands mitigation work is required due to wetlands disturbance during the North Bridge placement.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does hereby approve Change Order No. 4 to the original Contract with Sicar, Inc., for the Baker Road Reconstruction Project in the amount of an increase of \$9,908.00, as recommended by the Town Engineer.

The resolution was unanimously adopted.

New Business #8 Appointment to the Police Department for a Police Clerk

12) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby appoint Melody A. Wicher, 77 Candy Lane, Orchard Park New York 14127, to the position of Police Clerk to the Orchard Park Police Department, White Collar Union Wage Scale, Range 0003, Step A, \$11.70 per hour, as recommended by the Chief of Police.

The resolution was unanimously adopted.

New Business #9 Appoint Walter Wolanske to the Trails Task Force Committee

13) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby appoint Walter Wolanske, 56 Rolling Hills Drive, Orchard Park New York 14127, to the Trails Task Force.

Supervisor Cudney stated that Mr. Wolanske is a Civil Engineer PE, retired from the New York State Department of Transportation as well as the Niagara Frontier Transportation Authority, who brings a great deal of experience in design and trail ways to this committee, and he will be a great addition .

The resolution was unanimously adopted.

New Business #10 Resolution Opposing Changes to the Community Block Grant Funds

14) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

WHEREAS, thirty-four municipalities within Erie County, New York, including the Town of Orchard Park, are participating members of the Erie County Community Development Block Grant (CDBG) Consortium, and

WHEREAS, said municipalities have entered into various contracts with Erie County committing to said membership and agreeing to have municipal population, poverty, housing stock and other variables included in the federal CDBG entitlement calculation, and

WHEREAS, Erie County and the Erie County Consortium have entered into memoranda of understanding and organization by-laws defining CDBG responsibilities and policies concerning the administration of the CDBG Urban County Program within Erie County, and

WHEREAS, the Erie County Department of Environment and Planning is the agency within Erie County designated to administer the Erie County Community Development Block Grant Program on behalf of Consortium Communities, and

WHEREAS, the municipalities comprising the Erie County CDBG Consortium have enjoyed a sound working relationship with the Erie County Department of Environment and Planning in the administration of the CDBG Program since 1977, and

WHEREAS, the Buffalo Niagara Partnership and Erie County Industrial Development Agency are recommending a transfer of administration responsibilities from the Erie County Department of Environment and Planning to the Erie County Industrial Development Agency, and

WHEREAS, the Erie County CDBG Consortium are required to approve major changes to the Memoranda of Understanding, By-Laws, Five-Year Consolidated Plan, and Annual Action Plan Component of said Plan, and any amendments thereto, and

WHEREAS, said transfer would require execution of a detailed sub-recipient agreement between Erie County Industrial Development Agency and Erie County, and

WHEREAS, said transfer would represent a major administrative change in the Erie County CDBG Program requiring the following action by the Consortium: 1. Amendments to all agreements governing the Erie County CDBG Program, 2. Amendments to the applicable Annual Action Plan of the 2005-09 Consolidated Plan.

NOW, THEREFORE, be it

RESOLVED, that the Town of Orchard Park opposes any change to the existing administrative structure of the Erie County CDBG Program, and be it further

RESOLVED, that the governing bodies of each Consortium municipalities shall be informed of said opposition and encouraged to make appropriate action supporting said opposition, and be it further

RESOLVED, that copies of this resolution shall be forwarded to the Erie County Legislature for their information when considering any action necessary to approve the aforementioned Sub-Recipient Agreement between the Erie County and the ECIDA or similar organization, and be it further

RESOLVED, that copies of this resolution be forwarded to the chief elected officials of all Consortium municipalities; the Erie County Legislature, the Erie County Executive; the Commissioner of the Department of Environment and Planning, the Erie County Attorney, the Director of the Erie County Industrial Development Agency, and the President of the Buffalo Niagara Partnership.

The resolution was unanimously adopted.

New Business #11 & 12 Refer to the Planning Board and/or Conservation Board

15) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

RESOLVED, that the Town Board does hereby refer to the Planning Board and/or Conservation Board the following items listed on the agenda:

1. The Wesleyan Church of Orchard Park, 7290-7295 Ellicott Road, Zoned B-2. Requesting a building permit to construct an 8,500 square foot sanctuary addition to the existing church building. The building will be constructed with structural steel and wood truss construction with horizontal siding.
2. Eastco Multimedia Solutions, Inc., 3646 California Road, Zoned I-1. Requesting a building permit to construct a 14,200 square foot building expansion to the existing Eastco facility in two phases. (Phase 1) addition of 6,000 square foot will include parking, landscaping, storm drainage and utility improvements. (Phase 2) addition of 8,200 square foot will include more parking, and landscaping improvements.

The resolution was unanimously adopted.

ELECTED OFFICIALS & DEPARTMENT HEADS**Budget Transfer**

16) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN ACKERMAN, TO WIT:

RESOLVED, that the Town Board does hereby authorize the following budget transfer as requested by the Chief of Police:

\$ 3,500.00 From: A.3120.400 Supplies Account
To: A.3120.475 Gasoline Account

The resolution was unanimously adopted.

17) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

Negative Declaration Under SEQRA for the Quaker Crossing Phase III Project

WHEREAS, the Town Board for the Town of Orchard Park (the "Town") has received an application for rezoning a parcel of land located in the Town of Orchard Park for premises on the south side of Milestrip Road, including 19.25 acres of land, to construct a plaza for Quaker Crossing, Phase III ("Subject Parcel") from Falcon Properties, LLC (the "Applicant") to change the current zoning classification of I-1 to a new zoning classification of B-1, and

WHEREAS, the Subject Parcel is the third parcel of property that the Town Board has extensively studied in conjunction with the development of the Quaker Crossing Retail Center. The Subject Parcel has been considered for commercial development since the initial phase of the Quaker Crossing Retail Center was proposed and developed. It is also serviced by the same road system and intersections that were constructed at great cost in anticipation of the overall development, and

WHEREAS, the Town has reviewed the updated traffic study prepared by Nussbaumer & Clark dated September 13, 2005. The traffic study concluded that no significant traffic impact will be created by the commercial development of the Subject Parcel. Aside from minor signalization retiming at most intersections when the need arises, it re commended that *Alternative 3 - Intersection Configuration B* be implemented, which would (1) add dual left-turn lanes in the median opposite the duel left-turn lanes that serve Amelia Drive, (2) mark the approach for two entering lanes and three exiting lanes separated by a median, (3) add a right-turn lane for eastbound vehicles entering the proposed development from Milestrip Road, (4) add designations to existing lanes to show right-turn only, through and left-turn, and left-turn only, (5) add new traffic signal heads, i.e. ball and arrow, for the new driveway's south approach, (6) add new foundations and support poles for the driveway's south approach, (7) add signal conduit, pull boxes, cables, conductors and directors, (8) add appropriate modulates for supplementing control, (9) retime signal cycle length, and (10) revise existing traffic signal operation to accommodate a six-phase operation, and

WHEREAS, the Town has reviewed the Land Use Study prepared by Lauer Manguso identifying the current Town inventories of occupied and vacant industrial property. The Study concluded that of the 1,150.58 total acres of commercial property in the Town, only 230.40 acres remains undeveloped, or 1/5th of the total commercial property. It also concluded that of the 987.84 total acres of industrial property, and

WHEREAS, the Town has considered the lack of marketability of the Subject Parcel as industrial property, and

WHEREAS, the Town has considered the Tax Impact Study supplied by the Applicant relating to the amount of real property taxes being generated by the existing development and has determined that since the inception of the Retail Center in 1997, it has generated over \$3,064,298.90 in total real estate taxes, \$1,988,682.01 of which was paid directly to the Town of Orchard Park School District. The Town has also determined that the Retail Center uses very little municipal resources and that the benefit to the Town and the School District is significant, and

WHEREAS, the Town has determined that the Subject Parcel will be developed in conjunction with Phase I and Phase II of the Quaker Crossing Retail Center and that such development will continued to create jobs, shopping alternatives, entertainment alternatives as well as significant and much needed tax revenue. In addition, the Town has determined that further development of the surrounding area will continue to enhance the commercial retail viability of the existing development and that the area is being developed consistent with the initial concept plan that was submitted by Quaker Crossing, LLC, for the development of its lands, and

WHEREAS, the Town has considered the Subject Parcel and the proposed commercial development in conjunction with its experience with the review and approval of the other phases of the Retail Development and has determined that the proposed development will not have a significant impact on municipal resources, including fire, police, highway or schools, and

WHEREAS, the Town has considered the proposed change in the zoning of the Subject Parcel from I-1 to B-1 and any impact the Town would face due to the loss of the 19.2 +/- acres parcel from the overall Town inventory of I-1 property, and determines that it would have no impact, and

WHEREAS, the Town has reviewed the Environmental Assessment Form, dated July 11, 2005, submitted by the Applicant under the provisions of the State Environmental Quality Review Act, Environmental Conservation Law Article 8 and 6 NYCRR Part 617 ("SEQRA"), in support of the application, and

WHEREAS, the Town has determined that the action is subjected to SEQRA under 6 NYCRR §617.6(a)(i), and

WHEREAS, the Town has determined that the action does not involve a federal agency under 6 NYCRR §617.6(a)(ii), and

WHEREAS, the Town has determined that the action may involve one or more other agencies under §617.6(a)(iii), and

WHEREAS, the Town has made a preliminary classification of the action, using the information available and comparing it with the thresholds set forth in 6 NYCRR §617.4, as a Type I Action under 6 NYCRR §617.4(a)(5), and

WHEREAS, as a result, the Town has determined that coordinated review of the application was mandated under 6 NYCRR §617.6(b)(3)(i), and

WHEREAS, the Town duly transmitted the EAF referenced above to all involved agencies it could reasonably identify with due diligence, notified each such involved agency that a Lead Agency must be agreed upon, and solicited agreement from each such agency to allow the Town to act as Lead Agency under SEQRA for the project, and

WHEREAS, all involved agencies have agreed and consented to the Town acting as Lead Agency under SEQRA for this project, and

WHEREAS, the Town has previously adopted a resolution declaring itself as Lead Agency for the proposed Project, and

WHEREAS, the Town has duly considered the application for rezoning submitted by the Applicant, the Environmental Assessment Form ("EAF"), the Traffic Study, the Land Use Inventory Study, the Tax Impact Study, and all other submittals made by the Application in support of the application, and

WHEREAS, the Town has duly considered the comments and input from the Applicant, the Planning Board, the public, the other involved and interested agencies, the Erie County Department of Planning , and the Board Members, and

WHEREAS, the Town, in order to make this determination of significance, has identified the relevant areas of environmental concern, has taken a hard look at these areas, and by this resolution makes an elaboration of the basis for its determination.

NOW, THEREFORE, BE IT RESOLVED, by the Town as follows:

1. Declares that this document has been prepared in accordance with the provisions of SEQRA, Environmental Conservation Law Article 8.
2. Declares that the proposed Project does not have a significant adverse impact on the environment (under the criteria for determining significance under SEQRA, 6 NYCRR §617.) for the following reasons, among others:

Land Use & Zoning.

The Lead Agency finds that the change of zoning from I-1 to B-1 will not have a significant impact. The property has been marketed as I-1 property for a number of years. No interest has been shown by any prospective purchaser to use the land as I-1. The property will be developed in conjunction with Phase I and Phase II of the Quaker Crossing Retail Center, which continues to be a Class 1 retail development that has brought significant new and desirable commercial development into the Town, which has created jobs, shopping alternatives, entertainment alternatives as well as significant and much needed tax revenue. Continued development of the surrounding area will continue to enhance the commercial retail viability of the existing development and will continue to increase the generation of much needed jobs, shopping alternatives, entertainment alternatives and tax revenue. The area is being developed consistent with the initial concept plan that was the development of over three and one-half million dollars of roadway and traffic improvements paid by Quaker Crossing, LLC. The road system has substantially reduced the amount of commercial and industrial truck traffic on Lake Avenue, which has been a major benefit to the Town.

Traffic.

The roads that will be principally affected by the proposed development are roads that were designed and enhanced to handle a high volume of traffic. The Traffic Study concluded that the levels of traffic would remain well within normal ranges with the addition of traffic from the proposed Project. As the Project matures, there may be a need to turn back on the traffic signal at Lake Avenue and Benzing Road. The traffic signal had been installed at Quaker Crossing, LLC's expense, but was turned off once it was determined that there was no sufficient traffic at the intersection to merit its use. As such, the Lead Agency finds that the Project will not create a significant traffic impact. Any impact from the development of the Retail center can be easily mitigated, as set forth below.

Police and Fire Resources.

Based upon earlier letters received from the Chief of the Orchard Park Fire District in conjunction with the other phases of the retail development, the Lead Agency finds that the Project will not have a significant adverse impact on fire resources.

Based upon earlier letters received from the Chief of the Orchard Park Police Department in conjunction with the other phases of the retail development, the Lead Agency finds that the Project will not have a significant adverse impact on police/fire resources. Although there may be an increase in service calls once the Retail Center is fully built-out, the cost of such services will be offset by the substantial increase in tax revenues.

Mitigation Measures.

To minimize the potential for delays at the entrance to the Subject Parcel, the following recommended mitigation measures shall be adequate:

The *Alternative 3 – Intersection Configuration B* recommendation shall be implemented, which will (1) add dual left-turn lanes in the median opposite the dual left-turn lanes that serve Amelia Drive, (2) mark the approach for two entering lanes and three existing lanes separated by a median, (3) add a right-turn lane for eastbound vehicles entering the proposed development from Milestrip Road, (4) add designations to existing lanes to show right-turn only, through and left-turn, and left-turn only, (5) add new traffic signal heads, i.e. ball and arrow, for the new driveway's south approach, (6) add new foundations and support poles for the driveway's south approach, (7) add signal conduit, pull boxes, cables, conductors

and directors, (8) add appropriate modulates for supplementing control, (9) retime signal cycle length, and (10) revise existing traffic signal operation to accommodate a six-phase operation.

1. Direct the Town Clerk to file the Negative Declaration with the Town Supervisor and the Town Board Members, all involved agencies, and any person who has requested a copy; to maintain a file for all SEQRA Documents, readily accessible to the public and made available upon request (for a reasonable fee for copying); and to arrange for publication of the Negative Declaration in the Environmental Notice Bulletin by submitting it to Business Environment Publications, 6 Sevilla Drive, Clifton Park, NY 12065-5103.
2. Declares that further information regarding this application or project may be directed to: Sarah des Jardins, Planning Coordinator, Town of Orchard Park, 4295 South Buffalo Street, Orchard Park, NY 14127, 716-662-6432.

Supervisor Cudney stated she received this resolution early this morning, sent the resolution to the Planning Coordinator, Sarah des Jardins, for review and comment. Ms. des Jardins, in a memo to the Town Board, outlined a series of concerns which she felt needed to be addressed regarding a Negative Declaration and the rezoning request. Ms. des Jardins concluded her memo with "In general, this seems to be an issue of rushing a project that is not ready. The Planning board has not recommended on the request because it was waiting for the SEQR process to be completed."

Supervisor Cudney stated this is a huge project, and it may be possible to have a Negative Declaration for it, but she agrees with the Planning Coordinator's statements in her memo (on file) and does not feel this project has been given a "hard look". She stated that she would like to vote for this project but she wanted it to be done in the proper way. Supervisor Cudney stated she is not criticizing the project, just the process and therefore is not able to vote yes on this resolution.

Councilwoman Ackerman asked Mr. Walsh, who wrote the resolution as attorney for Quaker Crossing, to comment on the memo. Mr. Walsh addressed the issues in the Planning Coordinator's memo and feels that the project is in compliance with all requirements, therefore should receive a Negative Declaration.

Councilwoman Ackerman stated that what they are talking about here is the "impact" of changing the use of the land from industrial use to a commercial application, not the petitioner or the Site Plan, so the SEQR is just for the rezoning. Any further SEQR that would be done latter on, would be done on the Site Plan basis to determine, if necessary, if any of the other the environmental factors are involved. Town Attorney Berkowitz said that the SEQR process, when there is a Site Plan review, must be followed. By State Law, the SEQR process is mandatory for every action.

Supervisor Cudney said she hopes that during the Site Plan review, that the Planning Board is completely involved, and that a "hard look" will be given to this project.

Supervisor Toni Cudney	Nay
Councilwoman Nan Ackerman	Aye
Councilman Stanley Jemiolo, Jr.	Aye
Councilman David Kaczor	Aye
Councilman John Mills	Aye

The resolution was duly adopted.

18) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

WHEREAS, this Town (the "Town") has extensively studied the rezoning application to rezone approximately 19.25 acres of land (the "Subject Parcel") from I-1 (Industrial) to B-1 (Commercial) for the purpose of constructing a plaza for Quaker Crossing, Phase III on the premises on the south side of Milestrip Road, and

WHEREAS, the Town has reviewed the Environmental Assessment Form, dated July 11, 2005, submitted by the Application under the provisions of the State Environmental Quality Review Act, Environmental Quality Review Act, Environmental Conservation Law Article 8 and 6 NYCRR Part 617 ("SEQRA"), together with an updated Traffic Study, a Land Use Study, and a Tax Impact Study, in support of the application, and

WHEREAS, an extensive Resolution was passed by the Town in conjunction with its SEQRA review where detailed reasons were set forth supporting the Town's determination, and

WHEREAS, a referral of the proposed action was made to the County of Erie Division of Planning on August 3, 2005 and a response was received on September 2, 2005, in conjunction with the SEQRA review wherein no recommendations was made on the basis that the rezoning was determined to be of local concern, and

WHEREAS, the Town has determined that the Subject Parcel will be developed in conjunction with Phase I and Phase II of the Quaker Crossing Retail Center and that such development will continue to create jobs, shopping alternatives, entertainment alternatives as well as significant and much needed tax revenue. In addition, the Town has determined that further development of the surrounding area will continue to enhance the commercial retail viability of the existing development and that the area is being developed consistent with the initial concept plan that was submitted by Quaker Crossing, LLC for the development of its lands, and

WHEREAS, the Town Board has determined that the rezoning would complement the current use of the adjoining property, and

WHEREAS, following due and timely notice a Public Hearing in the matter of an Amendment to the Zoning Ordinance of the Town of Orchard Park was conducted at the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York, on the 19th day of October 2005, at which time all interested parties were given an opportunity to be heard, which amendment provides as follows: To rezone vacant land, 19.2 ± acres, on the south side of Milestrip Road (across from the existing Quaker Crossing) from I-1 to B-1, to construct a ± 147,000 square feet retail plaza, as petitioned by Quaker Crossing LLC.,

NOW, THEREFORE, be it

RESOLVED and ORDAINED that the Zoning Ordinance and the Zoning Map of the Town of Orchard Park be and hereby are amended by rezoning vacant land on the south side of Milestrip Road from I-1 to B-1, the premises specifically described by the metes and bounds set forth:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Orchard Park, County of Erie and State of New York, being part of Lot No. 29, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING, at the northwest corner of Lot No. 29 in the original center line of Milestrip Road; thence east along the north line of Lot No. 29, a distance of 789.05 feet to the westerly right of way of lands conveyed to Niagara Mohawk Power Corporation by deed recorded in the Erie County Clerk's Office in Liber 1665 of Deeds at page 244; thence southerly along the westerly line of said right of way, a distance of 1653.14 feet to the northerly right of way of Baltimore and Ohio Railroad; thence northwesterly along the northerly right of way of said railroad, a distance of 1212.50 feet to the west line of Lot No. 29; thence north along the west line of Lot No. 29, a distance of 748.88 feet to the north line of Milestrip Road and said line also being the northwest corner of Lot No. 29 to the point of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Orchard Park, County of Erie and State of New York being parts of Lots Nos. 29 and 30 Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING, at a point in the center line of California Road, at the southwest corner of lands conveyed to Arbo Industries by deed recorded in the Erie County Clerk's Office in Liber 7626 of Deeds at page 357; thence northeasterly along the southerly line of said deed, a distance of 465.58 feet to the southerly right of way of the Baltimore & Ohio Railroad; thence southeasterly along the southerly right of way of said Railroad, a distance of 70.01 feet to a point; thence southwesterly and parallel to the first described course at a distance of 70 feet at right angles to a distance of 478.83 feet to the center line of California Road; thence northwesterly along the center line of California Road, a distance of 71.05 feet to the place or point of beginning, containing 0.69 acres of land more or less, excluding that portion of California Road right-of-way within the above legal description.

AND BE IT FURTHER RESOLVED, that this rezoning shall take effect ten (10) days after publication and posting in accordance with law, and be it further

AND BE IT FURTHER RESOLVED, that the Town Clerk publish and post a copy of said amendment in accordance with Sections 264 and 265 of Town Law.

Councilman Jemiolo stated that the Town has to be careful how it develops property. It is important to have a proper balance between residential, industrial and commercial properties. The tax base of the residents in the future will have to be supported by how we develop today. The Town needs the tax dollars from the industrial and commercial projects to help support the schools and the Town.

Supervisor Toni Cudney	Nay
Councilwoman Nan Ackerman	Aye
Councilman Stanley Jemiolo, Jr.	Aye
Councilman David Kaczor	Aye
Councilman John Mills	Aye

The resolution was duly adopted.

Councilman Kaczor stated that on December 3rd, there are going to be several events: Breakfast with Santa at Jemiolo's Restaurant from 9am to 12 noon; Holiday in the Park at the Orchard Park Library/Train Depot from 4pm to 7pm.

Police Chief McCune, stated that the Town received a "Buckle Up New York" grant, and the first initiative of the season is for the Thanksgiving Holiday, to remind people to Buckle Up & drive safely.

19) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN JEMIOLO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN KACZOR, TO WIT:

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign an Easement Agreement with National Fuel on Meadowlawn Drive for the Town vehicles to use as a turn around, as recommended by the Highway Superintendent.

Supervisor Toni Cudney	Aye
Councilwoman Nan Ackerman	Recused
Councilman Stanley Jemiolo, Jr.	Aye
Councilman David Kaczor	Aye
Councilman John Mills	Aye

The resolution was duly adopted.

Department Heads From the Floor

No reports given.

20) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

RESOLVED, that the Town Board does hereby authorize the approval of all entries on Warrant #22 following auditing by members of the Town Board and in the funds indicated:

General Fund	\$88,303.90
Part Town Fund	\$1,176.59
Risk Retention	\$0.00
Cemetery Fund	\$0.00
Highway Fund	\$21,890.19
Special Districts	\$138,801.77
Trust & Agency	\$116,722.51
Capital Fund	\$74,218.32

The resolution was unanimously adopted.

Communications

21) THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR CUDNEY, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN MILLS, TO WIT:

RESOLVED, that the Town Board does hereby authorize to receive and file the following communications as entered on the agenda:

- **State of New York Education Department:** Notice of a Public Meeting of the Boards of Education of the school districts of the Secondary Supervisory District of Erie, Chautauqua and Cattaraugus Counties, will be held at the Lake Shore Senior High School, Evans-Brant Central School District, located at 959 Beach Road, Angola New York on the November 22 from 7:00 to 9:00 PM to examine the possible reorganization of the Second Supervisory District of Erie, Chautauqua and Cattaraugus Counties as a result of the vacancy in the Office of District Superintendent.

- **Erie County Legislature:** Regarding the revised four (4) year plan for revenue and cost savings. For more information, please visit the Town Clerk's office during regular business hours.
- **State of New York Governor's Traffic & Safety Committee Department of Motor Vehicles:** On behalf of Governor George Pataki the Town of Orchard Park has been awarded \$4,659 to participate in the statewide "BUCKLE UP NEW YORK" campaign. The goal is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes.

The resolution was unanimously adopted.

22) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN ACKERMAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN JEMIOLO, TO WIT:

RESOLVED, that the Town Board does hereby authorize to receive and file the following reports as entered on the agenda: Chief of Police's Monthly Report for October 2005 and the Building Inspector's Monthly Report and Building Permits for October 2005.

The resolution was unanimously adopted.

BUSINESS FROM THE FLOOR

Jim Suplicki – 5560 Big Tree Road: Mr. Suplicki had questions regarding the new development in Quaker Center on Cobham Drive. It is his understanding, that originally there was an agreement in place to have a 50 foot buffer area, with that 50 ft. area left untouched, and berms were to be put in to further buffer the area. With the new construction on Cobham Drive, it looks like they are clear cutting the area and not putting in any berms for further buffering. He stated that it looks like Jefferson Ave. Mr. Suplicki would like this checked out. Supervisor Cudney asked the Town Attorney to look into this.

Anthony Lorenzetti – 24 Boldt Court: Mr. Lorenzetti wished to talk to the Town Board about the request of Buffalo Niagara Court Center to rezone property on Weiss Avenue to obtain a Building Permit to construct an indoor volleyball center. He stated that, without their knowledge, a few years back, a large ugly metal building of inappropriate size was permitted to be built on Weiss Avenue for Gymnastics Unlimited. It is an inappropriate size building to be placed next to a residential area of over 50 years, and there was no attempt to cover it or buffer the area. The residents in the area have already put up with enough, the quality of life has been impacted, and the value of their property has declined. The residents of that area are asking the Town to deny the request of Buffalo Niagara Court. If the request is approved, there will be the domino effect and more of the huge, ugly, obstructive metal buildings will come, and there will be a tin city, then, no one will ever want to live in that area.

John Rybicki – 7 Boldt Court: Mr. Ribicki is also opposed to the rezoning on Weiss Ave. for the construction of the volleyball center.

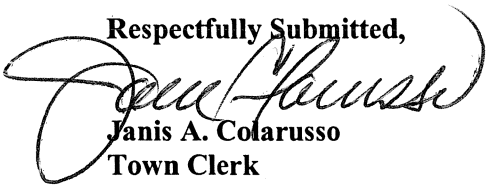
Nick Taneff – 279 Summit Avenue: Mr. Taneff said that again residents have to deal with commercial development next to residential areas. The Town Board has to be very careful of how it does it's planning and pay attention to the residential areas. Mr. Taneff had problems with political signs placed all over Town. Supervisor Cudney & Councilman Jemiolo stated that the Town can not stop the signs. But, the Chairmen of the four major political parties did shake hands on a Gentlemen's Agreement, to not place signs in the Town of Orchard Park, and this needs to be revisited.

James Crow – 2 Creekside Drive: Mr. Crow concurs with Mr. Lorenzetti on opposing the rezoning on Weiss Ave. for the volleyball center. Mr. Crow said his children play in this neighborhood, and run through the neighbor's yards and the fields. He asked that when it comes time for the Town Board to make a decision on this issue, that they think hard and fast about the people in this neighborhood and their situation.

Marion Snyderman – 38 Woodview Court: Asked if there has been any progress that has been with the flooding situation for Highland Avenue, Woodview Drive & Woodview Court. Councilman Mills stated that the Village Mayor has been in contact with several agencies, and they will be meeting around December 1st to review the information.

There being no more business from the floor, on motion by Councilman Jemiolo, seconded by Councilwoman Ackerman to wit; the meeting was adjourned at 8:26 PM (local time).

Respectfully Submitted,



Janis A. Colarusso
Town Clerk