

**ERIE COUNTY SEWER AGENCY REPORT  
FOR  
ERIE COUNTY SEWER DISTRICT NO. 4  
SEWER DISTRICT EXTENSION  
CURRENT OUT OF DISTRICT CUSTOMERS**

**PURPOSE OF PROJECT**

The purpose of this Sewer Agency Report (Report) is to initiate the process of considering the extension of the boundaries Erie County Sewer District No. 4 (ECSD No. 4) to include sanitary sewer service areas currently serviced as out of district customers.

In accordance with Article 5A of County Law, this Report serves as the “maps and plans” as required for the Board of Supervisors (the Erie County Legislature) to use in determining if it is in the public interest to extend a County Sewer District. In addition to this Report, the Legislature shall also consider any public comments received, both at a formal public hearing on the matter or otherwise, prior to acting on the proposed District extension.

**GENERAL INFORMATION**

ECSD No. 4 is located in eastern northern Erie County (Exhibit 1) and provides wastewater collection and conveyance services for portions of the Towns Alden and Lancaster and conveyance services for the Villages of Depew and Lancaster. The original district was created on March 10, 1964. The sanitary sewage collected in ECSD No.4 is ultimately transmitted to the Buffalo Sewer Authority owned Bird Island Wastewater Treatment Plant (WWTP).

Sewage from the proposed extensions (Exhibit A and B) are already collected in the system and treated at the Bird Island WWTP.

**AGENCY REPORT BACKGROUND**

The proposed extension of District boundaries to include current out of district customers is detailed in the boundary description include in the Exhibits. The sanitary sewer system in these areas is already installed and serviced by ECSD No. 4. If the extension of ECSD No. 4 is

effectuated, the County would not assume ownership of the collection system in these areas as they are privately owned and maintained.

### **CAPITAL PROJECT COSTS**

No additional capital project costs are associated with this proposed extension.

### **OPERATIONS AND MAINTENANCE (O&M) COSTS**

No additional operations and maintenance costs are associated with this proposed extension. ECSD No. 4 already provides operation and maintenance of this portion of the service area pursuant to the existing out of district customer agreement.

### **CONNECTION CHARGES**

Connection charges have already been collected for all properties in this proposed extension. Additionally, as out of district customers are charged in the same manner as customers within the boundaries of the sewer district, there will be no impact on the ECSD No. 4 rates due to this action.

### **NEW YORK STATE AUDIT AND CONTROL**

New York State Comptroller's office approval is required for sewer district extensions that result in debt and lead to cost increases over defined thresholds. Based on the fact that the extension of the District to include the current out of district customers would have no impact on the sewer rates within ECSD No. 4 and that no debt would be incurred as a result of this action, submittal of an application to New York State Audit and Control for approval is not required.

### **BOARD OF MANAGERS REVIEW**

This Project has been previously discussed with the Board of Managers for ECSD No. 4. Based on these discussions and review of this Sewer Agency Report, the Board approved this Erie County Sewer Agency Report on \_\_\_\_\_ and requested the Erie County Legislature to approve an extension to ECSD No. 4 to incorporate the area identified in

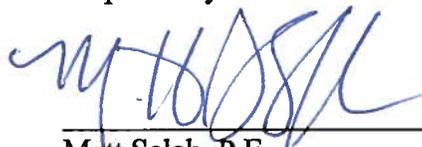
Exhibits A and B, to be known as the “Current Out of District Customers Extension”. A copy of the Board of Managers resolution pertaining to this extension is presented in Exhibit 2.

**RECOMMENDATIONS**

The Erie County Sewer Agency, the Department of Environment and Planning, and the ECSD No. 4 Board of Managers recommend that the Erie County Legislature should:

1. Accept and adopt this Sewer Agency Report which calls for extension of ECSD No. 4 to include the sanitary sewer service areas currently serviced as out of district customers, to be known as the “Current Out of District Customers Extension”;
2. Adopt the necessary resolutions for approval of an extension to ECSD No. 4 pursuant to Article 5A of County Law;
3. Adopt the necessary resolutions calling for a Public Hearing;
4. Adopt the necessary resolutions calling for an extension of Erie County Sewer No. 4 pursuant to Section 274, Article 5A of County Law, subject to a Permissive Referendum;
5. Approve an extension of ECSD No. 4 to be known as the “Current Out of District Customers Extension.”

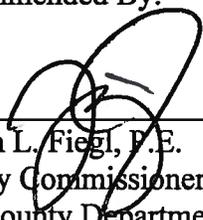
Prepared By:



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Matt Salah, P.E.  
Sr. Coordinator – Sewer Construction Projects  
Erie County Department of Environment & Planning

Recommended By:



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Joseph L. Fiegl, P.E.  
Deputy Commissioner  
Erie County Department of Environment and Planning

Approved By:

\_\_\_\_\_

\_\_\_\_\_, CHAIR

Board of Managers,  
Erie County Sewer District No. 4

Dated: \_\_\_\_\_

JLF:mas  
7/16/2015  
4.11.0. SAR

**EXHIBIT 1**

**Map of ECSD No. 4**



**EXHIBIT A & B**

**Boundary Description and Maps of Proposed Extension**

**Erie County Sewer District No. 4**  
**Boundary Extension**  
**2015 – Exhibit A**

**Parcel I**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point where the center line of Transit Road (100.0 feet wide) intersects the north line of lands appropriated by the people of the State of New York for the Ontario section of the New York State Thruway, said point being on the west line of Erie County Sewer District No. 4; Thence westerly along said north line a distance of 756.7± feet to the southeast corner of lands conveyed to Bonnie Spinner by deed recorded in the Erie County Clerk's Office in Liber 10291 of Deeds at page 651; Thence continuing westerly along said north line of Thruway and the south line of said Spinner lands a distance of 798.40± feet to the east line of lands conveyed to Paul Pfohl, Fidelis Pfohl, Joseph Pfohl and Richard Pfohl by deed recorded in Liber 5811 of Deeds at page 120; Thence northerly along the easterly line of said Pfohl lands a distance of 159.54 feet to the north line of Lot 79 and the north line of the Town of Cheektowaga; Thence easterly along said north line of Lot 79 a distance of 1544.13± feet to the center line of Transit Road, said centerline being the west line of said Erie County Sewer District No. 4; Thence southerly along said lines a distance of 374.7± feet to the Point of Beginning and as shown on attached sketch "2015 – Exhibit A"

**Parcel II**

ALSO ALL THAT PIECE OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point on the westerly highway boundary of Transit Road (Pt. 4, S.H. 1334A-1), said point being 33.0± feet measured westerly at right angles from Station T19+01.6± of the hereinafter described survey baseline for the construction of the New York State Thruway, Ontario Section; thence S 83° 21' 28" E a distance of 50.32± feet to the center line of Transit Road (100.0 feet wide) to the Principle Point of Beginning, said point being on the west line of Erie County Sewer District No. 4; Thence S 0° 08' 00" W along said center line of Transit Road 399.96± feet to a point; thence through lands of The People of the State of New York (Thruway Authority) the following seven courses and distances: (1) N 89° 52' 00" W, 104± feet to a point; (2) on a curve to the left (the radial at the beginning of which bears S 0° 08' 00" W) having a radius of 280.00 feet and a central angle of 43° 57' 30", an arc length of 214.82± feet; (3) S 46° 10' 30" W, 109.30± feet; (4) on a curve to the right (the radial at the beginning of which bears N 43° 49' 30" W) having a radius of 161.35± feet and a central angle of 40° 47' 46", an arc length of 114.89± feet; (5) S 86° 58' 16" W, 280.00± feet; (6) N 0°

04' 40" E, 701.38± feet; and (7) S 83° 21' 28" E, 715.00± feet to the Principle Point of Beginning and as shown on attached sketch "2015 – Exhibit A"

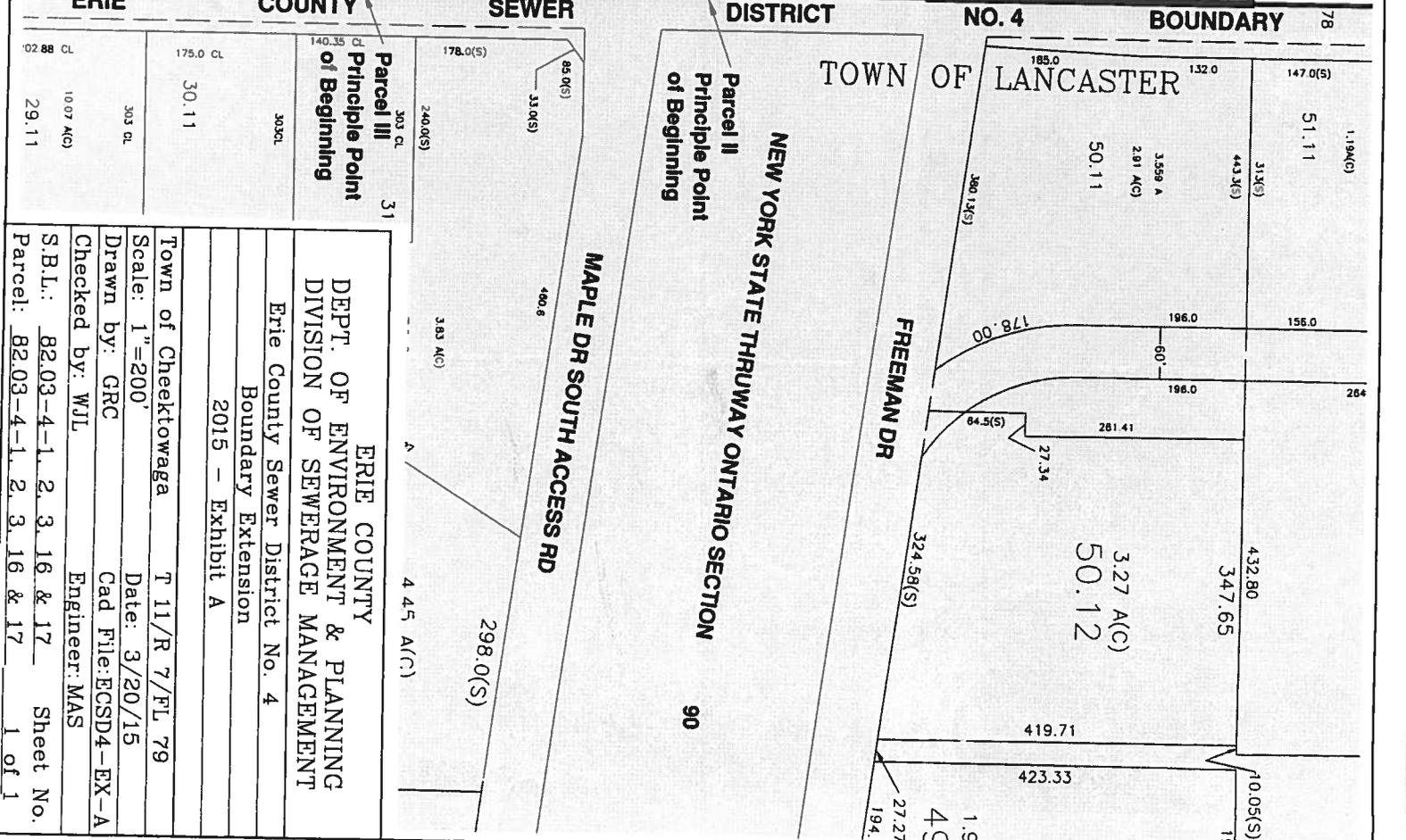
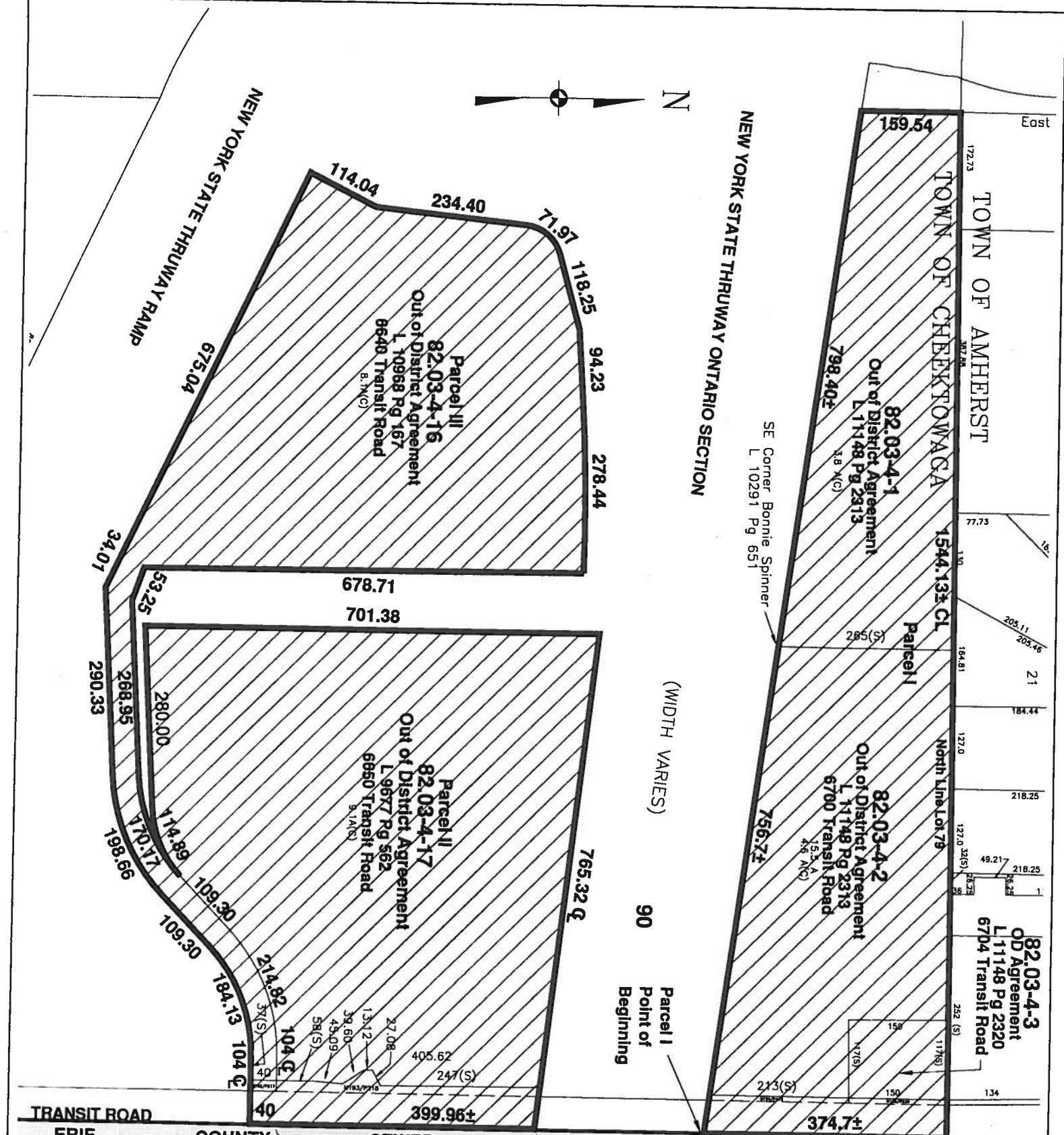
### Parcel III

ALSO ALL THAT PIECE OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 79, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

BEGINNING at a point on the westerly highway boundary of Transit Road (Pt. 4, S.H. 1334A-1), said point being 33.0± feet westerly measured at right angles from Station T14+95.98± of the hereinafter described survey baseline for the construction of the New York State Thruway, Ontario Section; thence S 89° 52' 00" E, 50 feet to the center line of Transit Road (100.0 feet wide) to the Principle Point of Beginning, said point being on the west line of Erie County Sewer District No. 4; Thence southerly along said center line of Transit Road 40.00± feet; thence through the lands of The People of the State of New York (Thruway Authority) the following twenty courses and distances: (1) N 89° 52' 00" W, 104.0± feet; (2) on a curve to the left (the radial at the beginning of which bears S 0° 08' 00" W) having a radius of 240.00 feet and a central angle of 43° 57' 30", and arc length of 184.13± feet; (3) S 46° 10' 30" W, 109.30± feet; (4) on a curve to the right (the radial at the beginning of which bears N 43° 49' 30" W) having a radius of 279.00 feet and a central angle of 40° 47' 46", an arc length of 198.66± feet; (5) S 86° 58' 16" W, 290.33± feet; (6) N 64° 18' 11" W, 34.01± feet; (7) N 64° 18' 11" W, 675.04± feet; (8) N 26° 36' 37" E, 114.04± feet; (9) N 5° 55' 48" E, 234.40± feet; (10) on a curve to the right (the radial at the beginning of which bears S 84° 04' 12" E) having a radius of 60.13 feet and a central angle of 68° 34' 51", an arc length of 71.97± feet; (11) N 74° 30' 38" E, 118.25± feet; (12) N 86° 06' 10" E, 94.23± feet; (13) on a curve to the right (the radial at the beginning of which bears S 3° 53' 50" E) having a radius of 2919.5 feet and a central angle of 5° 27' 52", an arc length of 278.44± feet; (14) S 0° 14' 12" E, 678.71± feet; (15) S 70° 04' 09" E, 53.25± feet; (16) N 86° 58' 16" E, 268.95± feet; (17) on a curve to the left (the radial at the beginning of which bears N 3° 01' 44" W) having a radius of 239.00 feet and a central angle of 40° 47' 46", an arc length of 170.17± feet; (18) N 46° 10' 30" E, 109.30± feet; (19) on a curve to the right (the radial at the beginning of which bears S 43° 49' 30" E) having a radius of 280.00 feet and a central angle of 43° 57' 30", an arc length of 214.82± feet; and (20) S 89° 52' 00" E, 104.00± feet to the Principle Point of Beginning and as shown on attached sketch "2015 – Exhibit A"

The above mentioned survey base line is a portion of the Transit Road survey base line for the construction of the Transit Road Interchange of the Thruway, as shown on a map and plan on file in the office of the New York State Department of Transportation and described as follows: Beginning at Station T0+00, thence N 0° 08' 00" E, 2000.00 feet to Station T20+00.

All bearings are referred to true north at the 78° 35' meridian of west longitude.



DEPT. OF ENVIRONMENT & PLANNING  
 DIVISION OF SEWERAGE MANAGEMENT  
 Erie County Sewer District No. 4  
 Boundary Extension  
 2015 - Exhibit A  
 Town of Cheektowaga T 11/R 7/FL 79  
 Scale: 1"=200' Date: 3/20/15  
 Drawn by: GRC Cad File: ECSD4-EX-A  
 Checked by: WJL Engineer: MAS  
 S.B.L.: 82.03-4-1, 2, 3, 16 & 17 Sheet No. 1 of 1  
 Parcel: 82.03-4-1, 2, 3, 16 & 17

**Erie County Sewer District No. 4**  
**Boundary Extension**  
**2015 – Exhibit B**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 75, Township 11, Range 7, of the Holland Land Company's Survey, bounded and described as follows;

**BEGINNING** at a point in the center line of Transit Road (100.0' wide) a distance of 585.10 feet north from the intersection of said center line with the center line of Rehm Road, said intersection being the southeast corner of Lot 75; Thence west along the north line lands conveyed to Walter Klaia by Deed Liber 5023 Page 571 a distance of 500± feet to the east line of land conveyed to Fudoli by Deed Liber 10906 Page 3445; Thence north along the east line of said Fudolia a distance of 446.31± feet to the north line of land conveyed to R.M.F. Holding Corporation by Deed 7221 Page 283, said point also being on a Boundary line as described in a certain Boundary Line Agreement between R.M.F. Holding Corporation and Lorenz and Sons, Inc. by Liber 11245 Page 3880; Thence east along said Boundary Line Agreement 250 feet; Thence north parallel to the west line of Transit Road 35 feet; Thence east parallel to said Boundary Line Agreement 249.99 feet to the center line of Transit Road, said center line also being the east line of Lot No. 75 and the west boundary line of Erie County Sewer District No. 4; Thence south along said center line 468.31± feet to the Point of Beginning and as shown on attached sketch "2015 – Exhibit B"



**EXHIBIT 2**

**ECSD No. 4 Board of Managers  
Resolution**

**RESOLUTION  
BOARD OF MANAGERS  
ERIE COUNTY SEWER DISTRICT NO. 4 (ECSD No. 4)**

WHEREAS, Erie County Sewer District No. 1 and the Erie County Department of Environment and Planning have prepared a Sewer Agency Report for consideration by the Erie County Sewer District No. 4 Board of Managers calling for the Extension of Erie County Sewer District No. 4 to include current out of district customers; and

WHEREAS, the aforementioned Sewer Agency Report described the areas to be included in the proposed extension to be known as the "Current Out of District Customers Extension"; and

WHEREAS, the Department of Environment and Planning has provided information relative to the project's costs and the project's impact on the sewer charge structure to the properties in the proposed "Current Out of District Customers Extension".

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 4 Board of Managers does hereby accept and adopt this subject Sewer Agency Report and further, recommends that this Sewer Agency Report be submitted to the Erie County Legislature for further consideration and action pursuant to Article 5A, County Law; and be it further

RESOLVED, that the Erie County Sewer Agency be directed to pursue with the Erie County Legislature, an extension of Erie County Sewer District No. 4 to be known as the "Current Out of District Customers Extension" pursuant to Section 274, Article 5A of County Law.

Respectfully submitted,

Thomas Batt, P.E.  
SECRETARY, BOARD OF MANAGERS  
Erie County Sewer District No. 4

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

APPROVED/DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

JLF:mas  
7/16/2015  
4.11.0.SAR