

RESOLUTION OF DISAPPROVAL
With Reasons Stated Elsewhere

WHEREAS, on April 10, 2014, this Council proposed to disapprove the following application for the establishment and construction of a multi-specialty freestanding ambulatory surgical center, located at 5959 Big Tree Road, Orchard Park, New York; and

WHEREAS, following the Applicant's request for a public hearing pursuant to said Section 2801-a, such a hearing was held before an Administrative Law Judge, and the Administrative Law Judge has, by his Report and Recommendation dated February 20, 2015, recommended approval of the application; and

WHEREAS, this Council has considered said Report and Recommendation; it is hereby

RESOLVED, that this Council, after due deliberation, and for the reasons stated on the record at the meeting of this Council, on this 16th day of April, 2015 hereby adopts all of the 22 numbered Findings of Fact set forth in said Report and Recommendation except those numbered Findings of Fact specifically rejected on the record at the meeting of this Council; and be it further

RESOLVED, that is Council, after due deliberation, and for the reasons stated on those record at the meeting of this Council, on this 16th day of April, 2015 hereby adopts those additional Findings of Fact stated on the record at the meeting of this Council; and be it further

RESOLVED, that this Council, after due deliberation, and for the reasons stated on the record at the meeting of this Council, on this 16th day of April, 2015 hereby rejects the Conclusions set forth in said Report and Recommendation; and be it further

RESOLVED, that this Council, after due deliberation, and for the reasons stated on the record at the meeting of this Council, on this 16th day of April, 2015 hereby disapproves the following application for the establishment and construction of a multi-specialty freestanding ambulatory surgical center.

NUMBER:

131347 B

FACILITY/APPLICANT:

Southtowns Ambulatory Surgery Center, LLC
(Erie County)