

Town Board Minutes

February 21, 2017

Meeting No. 6

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 21st day of February 2017 at 7:00 P.M. and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
DAWN GACZEWSKI, COUNCIL MEMBER
MATTHEW WALTER, COUNCIL MEMBER
JOHANNA COLEMAN, SUPERVISOR

ABSENT: RONALD RUFFINO, COUNCIL MEMBER

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
MARK LUBERA, PARK CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 7:56 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 8:12 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Comments regarding Lancaster Volunteer Ambulance Corps calls for drug overdoses.
- Asked to have Judge Cervi speak at a Town Board meeting to address addiction problems and solutions and the changes since Judge Montour administered the drug court.

Kaska, Julie, spoke to the Town Board on the following matters:

- Thanked the Highway Superintendent for exemplary snowplowing of the streets in Lancaster this winter.
- Questions and comments regarding dog control hangtags for unlicensed dogs.

Morganstein, Allen, spoke to the Town Board on the following matter:

- Asked the Board to push for an additional road from the Windsor Ridge Subdivision expansion to Brunck Road.

Nosbisch, Paul, Jr., spoke to the Town Board on the following matter:

- Comments regarding Lancaster Police Officers and Emergency Medical Technicians who administer care to drug overdose victims.

Provenzola, John, spoke to the Town Board on the following matter:

- Asked about Children's Kastle property rezoning.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Special Use Permit James J. Macken, 6479 Broadway

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit James J. Macken 6479 Broadway Home Occupation (Accounting for Sewer Maintenance Company) matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
James Macken, Petitioner	Proponent

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:18 P.M.

Decision on this matter was reserved.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 Special Use Permit Eric Thomann 70 Gunnville Road

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:18 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit Eric Thomann 70 Gunnville Road Shredding, Processing and Selling of Top Soil matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
NONE	

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:20 P.M.

Decision on this matter was reserved.

February 21, 2017

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held February 6, 2017 and the Regular Meeting of the Town Board held February 6, 2017 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Claim No. 47422 to Claim No. 47631 Inclusive

Total amount hereby authorized to be paid: \$1,007,218.88

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER ABRAHAM, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER GACZEWSKI, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
26276		Zenner & Ritter Co. Inc.	35 Michael's Walk	Inst. Generator	
26277		Picket Fence & Exteriors Inc.	2040 Como Park Blvd	Er. Fence	(V/L)
26278		Avox Systems Inc.	225 Erie St	Er. Garage	(V/L)
26279		N.A.S, Sign Company	4913 Transit Rd	Er. Sign – Wall & Pole	
26280		Marrano/Marc Equity Corp.	28 Cherryfield Ln	Er. Dwlg.-Sin.	
26281		Marrano/Marc Equity Corp.	4 Crabapple Ln	Er. Dwlg.-Sin.	
26282		Christopher Perkins	142 Nichter Rd	Er. Res. Alt.	
26283		Richard Wery	29 Tranquility Trl	Er. Res. Add.	
26284		Thomas Peters	1460 Townline Rd	Inst. Generator	

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER TO WIT:

WHEREAS, the Town of Lancaster, Village of Lancaster, and Village of Depew have determined the need exists to update their joint Master Plan which guides the municipalities' decision making process regarding growth, development, and preservation in their respective communities, and

WHEREAS, the Erie County Office of Environment and Planning has made a grant in the amount of \$60,000 available to the aforementioned municipalities for the purpose of updating their joint Master Plan; and

WHEREAS, the grant monies will be used to retain a planning consultant to prepare the update to the Master Plan,

NOW, THEREFORE BE IT

RESOLVED, that the Town of Lancaster agrees to serve as the lead agency for the purposes of securing and administering the grant, and,

BE IT FURTHER

RESOLVED, that the Lancaster Town Board hereby authorizes the Supervisor to sign and execute a contract with Erie County for the Master Plan update.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provides for the adoption and enactment of local laws, and

WHEREAS, the Attorney for the Town has prepared a proposed Local Law to Establish a Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Commercial Solar Energy Systems and/or Solar Farms, and

WHEREAS, the Town Board has reviewed and modified the proposed Local Law and the Town of Lancaster believes it is in the public interest to consider enacting a Local Law of the year 2017 which reads as follows:

A LOCAL LAW OF THE YEAR 2017 which shall be known and may be cited as the “**Town of Lancaster Commercial Solar Panel Moratorium**”. The proposed Local Law shall be applicable within the confines of the municipal boundaries of the Town of Lancaster.

Section 1: Purpose and Intent.

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Lancaster and to maintain the status quo as to certain solar energy uses, as the present zoning regulations of the Town of Lancaster do not adequately address this type of use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain land uses related to solar energy, included but not limited to, solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Lancaster Zoning Code concerning this use.

Section 2: Legislative Findings.

The Town of Lancaster Town Board hereby finds that without a temporary halt on the processing, permitting, and approval for certain solar land uses there is a potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for such uses would have materially adverse impacts on the Town. The Town Board also finds that time is required to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

Section 3: Moratorium Imposed.

For a period of six (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to, solar farms.

The term “land uses relating to solar energy” shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property. The term “solar farm” shall mean a collection of solar panels covering one-quarter (1/4) acre or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use or municipal buildings or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Lancaster.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Lancaster Zoning Code. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to solar energy as described above.

Section 4: Term.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws.

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance.

An application for a variance from the terms of this moratorium may be submitted, with a \$200 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Lancaster, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date.

This local law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 6TH day of March, 2017 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 21, 2017, the said Town Board will hold a Public Hearing on the 6th day of March, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons for the purposes of considering and possibly adopting a Local Law of the year 2017 which Establishes a Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Commercial Solar Energy Systems and/or Solar Farms within the Town of Lancaster. Copies of the proposed Local Law of the year 2017 are available at the office of the Town Clerk for inspection at Town Hall at its address listed above, between the hours of 9:00 A.M. and 4:00 P.M.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: Diane M. Terranova
Town Clerk**

February 23, 2017

Town of Lancaster
Local Law No. ___ of 2017

A Local Law Establishing a Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Solar Energy Systems and/or Solar Farms.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Purpose and Intent.

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Lancaster and to maintain the status quo as to certain solar energy uses, as the present zoning regulations of the Town of Lancaster do not adequately address this type of use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain land uses related to solar energy, included but not limited to, solar farms. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Lancaster Zoning Code concerning this use.

Section 2: Legislative Findings.

The Town of Lancaster Town Board hereby finds that without a temporary halt on the processing, permitting, and approval for certain solar land uses there is a potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for such uses would have materially adverse impacts on the Town. The Town Board also finds that time is required to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

Section 3: Moratorium Imposed.

For a period of six (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses relating to solar energy, including but not limited to, solar farms.

The term "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property. The term "solar farm" shall mean a collection of solar panels covering one-quarter (1/4) acre or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use or municipal buildings or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Lancaster.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Lancaster Zoning Code. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to solar energy as described above.

Section 4: Term.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws.

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance.

An application for a variance from the terms of this moratorium may be submitted, with a \$200 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Lancaster, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8: Effective Date.

This local law shall take effect immediately upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the Zoning, Article III, Definitions and References, Definitions and Word Usage Ordinance of the Code of the Town of Lancaster and has determined it to be in the public interest to amend **Chapter 50, ZONING, Article III, Definitions and References, Section 50-7(C), Definitions and word usage, Specific terms**, of the Code of the Town of Lancaster by adding the term “Flag Lot” to the Specific Terms alphabetic listing which shall read as follows:

CHAPTER 50. ZONING

ARTICLE III. Definitions and References

§50-7. Definitions and word usage.

C. Specific terms.

.....

FARM

{ADD} FLAG LOT

A lot shaped like a flag on a pole. The “flag” shaped area is the portion of a lot where all structures may be located. The “pole” shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located.

FLOOR AREA

.....

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York entitled Town Ordinances, a Public Hearing on a proposed amendment to the Town Ordinance entitled “ZONING,” designated as Chapter 50, Article III, Section 50-7 (C) Specific terms, of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of March, 2017, at 7:15 o’clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the official newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to Section 130 of the Town Law of the State of New York entitled Town Ordinances, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted the 21st day of February, 2017, the Lancaster Town Board will hold a Public Hearing on the 6th day of March, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested parties upon the proposed amendment to **Chapter 50, ZONING, Article III, Definitions and References, Section 50-7(C), Definitions and word usage, Specific terms**, of the Code of the Town of Lancaster by adding the term "Flag Lot" to the Specific Terms, alphabetic listing to read as follows:

CHAPTER 50. ZONING

ARTICLE III. Definitions and References

§50-7. Definitions and word usage.

C. Specific terms.

.....

FLAG LOT

A lot shaped like a flag on a pole. The "flag" shaped area is the portion of a lot where all structures may be located. The "pole" shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located.

Full opportunity to be heard will be given to any and all citizens and all parties in interest at the time and place stated above.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

February 23, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Ronald M. Fronckowiak**, for a Special Use Permit for a Home Occupation (Mortgage Broker Office) on premises located at 10 Sussex Lane, Lancaster, New York, and the Board issued such Special Use Permit on March 2, 2009, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, **Ronald M. Fronckowiak** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal in his letter dated February 1, 2017;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the renewal of a Special Use Permit to **Ronald M. Fronckowiak**, for a Home Occupation (Mortgage Broker Office) on premises located at 10 Sussex Lane, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning March 2, 2017 and ending March 1, 2019, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely

- a. This Special Use Permit terminates when the applicant no longer resides on the premises.
- b. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, on or before March 1, 2019.
- c. Obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, the Town Board is considering granting to Upstate Cellular Network d/b/a Verizon for the construction of a micro-cell-wireless communication facility to include wall mounted equipment cabinet at grade and a 50.5" x 12.5" x 7.1" panel antenna mounted on a non-penetrating rooftop antenna frame having an antenna centerline of 27.0" ± AGL and other appurtenances necessary to operate the facility, on a privately owned +/- .0011 acre parcel located at 6733 Transit Road (SBL No. 82.03-1-64), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on February 6, 2017 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the project, using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act ("SEQRA") regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, is fully familiar with the proposed location and the surrounding parcels, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an "Unlisted" action under SEQRA.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board's thorough and careful review of the project, Upstate Cellular Network (d/b/a Verizon)'s application materials, including the Environmental Assessment Form, project plan and all other materials submitted in connection therewith, the project described as the installation of a wireless telecommunication wall mounted equipment cabinet at grade and a 50.5" x 12.5" x 7.1" panel antenna mounted on a non-penetrating rooftop antenna frame having an antenna centerline of 27.0" ± AGL. Also proposed is the installation of the associated utilities/appurtenances.

2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.

3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.

4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: February 21, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed construction of a new Upstate Cellular Network d/b/a Verizon for the construction of a micro-cell-wireless communication facility to include wall mounted equipment cabinet at grade and a 50.5" x 12.5" x 7.1" panel antenna mounted on a non-penetrating rooftop antenna frame having an antenna centerline of 27.0" ± AGL and other appurtenances necessary to operate the facility, on a +/- .0011 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Transit Road VZW Store- Upstate Cellular/Verizon-Micro Tower

Location of Action: 6733 Transit Road (SBL No. 82.03-1-64) Lancaster, New York
14086, Erie County.

SEQR Status: Unlisted Action.

Description of Action: Upstate Cellular Network d/b/a Verizon Wireless is proposing the installation of a wireless telecommunication wall mounted equipment cabinet at grade and a 50.5" x 12.5" x 7.1" panel antenna mounted on a non-penetrating rooftop antenna frame having an antenna centerline of 27.0" ± AGL. Also proposed is the installation of the associated utilities/appurtenances.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.

6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town Board is considering the construction of a 3-Lot Single Family Subdivision to be known as Schuster 3-Lot Subdivision submitted by Thomas Schuster, to be located at Haskell Drive and Harris Hill Road in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on February 6, 2017 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the subdivision, the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, is fully familiar with the proposed location and the surrounding parcels, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as 3 Lot Residential Subdivision (0.835 acres) Haskell Drive and Harris Hill Road in the Town of Lancaster, and will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein..
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: February 21, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed construction of a Schuster 3-Lot Residential Subdivision on 0.835 acres located at Haskell Drive and Harris Hill Road. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Schuster 3-Lot Residential Subdivision.

Location of Action: Haskell Drive and Harris Hill Road, Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: A 3-Lot Residential Subdivision (0.835 acres) Haskell Drive and Harris Hill Road, Town of Lancaster.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.

9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated February 6, 2017, has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

ADDITION:

Alexa R. Marino
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, Upstate Cellular Network, d/b/a Verizon has submitted a site plan prepared by Costich Engineering, D.P.C., dated July 29, 2015 with a revision date of October 14, 2016 and received December 8, 2016 for the proposed construction and operation of a new wireless telecommunications facility to be known as “Transit Road VZW Store” (Project # 20130986129 & Location Code 280508) located at 6733 Transit Road (SBL No. 82.03-1-64), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was approved at their December 21, 2016 meeting, and

WHEREAS, the Town, acting as lead agency had previously completed an environmental review for the project on February 6, 2017, in conformance with SEQR (State Environmental Quality Review) regulations and on February 21, 2017, a Negative Declaration was issued, which is hereby confirmed.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Costich Engineering, D.P.C., dated July 29, 2015 with a revision date of October 14, 2016 and received December 8, 2016 for the proposed construction and operation of a new wireless telecommunications facility to be known as “Transit Road VZW Store” (Project # 20130986129 & Location Code 280508) located at 6733 Transit Road (82.03-1-64), in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Thomas and Patricia Manko**, for a Special Use Permit for **Manko's Truck and Auto Repair**, to conduct automotive repair services on premises located at 4885 Transit Road, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on March 2, 2015, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, **Thomas Manko** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended the approval of this Special Use Permit in his letter dated February 13, 2017;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 20 (B)(1), entitled "Commercial and Motor Service District (CMS)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit Renewal to **Thomas Manko**, owner of **Manko's Truck and Auto Repair**, to conduct an automotive service and repair business on premises located at 4885 Transit Road in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning March 2, 2017 and ending March 1, 2019, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in an automotive repair business on the premises, namely

- A. Must comply with Town Code Noise Ordinance.
- B. Two (2) tire racks will be allowed on the exterior of the property for display during business hours only.
- C. No unregistered, inoperable or dismantled vehicles will be allowed on the exterior of the property.
- D. No vehicle parts will be allowed to be stored outside of the building.
- E. No work or business is to be performed outside of the building.
- F. All equipment and supplies of the business must be kept inside of the building.
- G. No vehicles will be allowed to be displayed "For Sale" on the property.
- H. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting an application and proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided to the Town Clerk, on or before March 1, 2019.
- I. This Special Use Permit terminates when the applicant no longer owns the business.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Mark Lubera, Park Crew Chief of the Parks Recreation & Forestry Department of the Town of Lancaster, has requested permission to purchase two (2) Gravely Pro-Turn 160 FX730V (Model # 991081) Lawn Mowers for use by the Parks Recreation & Forestry Department, and

WHEREAS, the Park Crew Chief, obtained three (3) price quotes for the purchase of two new Gravely Pro-Turn Lawn Mowers in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated February 9, 2017, Mark Lubera, has recommended that the Town of Lancaster purchase the two (2) Gravely Pro-Turn 160 FX730V (Model # 991081) Lawn Mowers from Wegman Motor Works, Inc., for a unit price of \$7,150.00 each, per their estimate (Work Order No. 84414) dated February 6, 2017, and

WHEREAS, funding for the purchase is available from the 2015 Recreation Equipment Bond.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase of purchase two (2) Gravely Pro-Turn 160 FX730V (Model # 991081) Lawn Mowers from Wegman Motor Works, Inc., 1500 Kenmore Avenue, Buffalo, NY 14216 in accordance with their estimate (Work Order No. 84414) dated February 6, 2017 for a unit cost not to exceed \$7,150.00 each, bringing the total expenditure to \$14,300.00, to be paid for with funds available from the 2015 Recreation Equipment Bond.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, Captain William Karn Jr. of the Town of Lancaster Police Department, by letter dated February 15, 2017, has requested authorization for one (1) member of the Lancaster Police Department to attend the 2017 Bloodstain Pattern Recognition Course to be held at Hilbert College, Hamburg New York from June 12 through June 16, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the total cost of attendance for one (1) officer at the above mentioned training course is hereby authorized in an amount not-to-exceed \$500 for the actual cost of the seminar, and \$12 per diem for meal allowance for a maximum of 5 days.

BE IT FURTHER,

RESOLVED, that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provides for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2017 has been introduced, entitled “**FLAG LOTS**”, which will amend Chapter 50, Zoning, Article VII, Regulations Applying to All Districts, Section 50-39, Lot division, of the Code of the Town of Lancaster by adding §50-39(A) “**FLAG LOTS**” to the Code of the Town of Lancaster, which will read as follows:

A LOCAL LAW OF THE YEAR 2017 ENTITLED “**FLAG LOTS**”, WHICH WILL AMEND THE TOWN CODE OF THE TOWN OF LANCASTER BY **ADDING** SECTION 50-39(A), TO CHAPTER 50 “**ZONING**”, ARTICLE VII, REGULATIONS APPLYING TO ALL DISTRICTS.”

Chapter 50. Zoning.

Article VII. Regulations Applying to All Districts

§50-39. Lot division.

A. Flag Lots

1. Definition: A lot shaped like a flag on a pole. The “flag” shaped area is the portion of a lot where all structures may be located. The “pole” shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located.
2. Prohibition on creation. No boundary line adjustment, lot line adjustment, subdivision approval, or any other approval shall be granted which has the effect of creating one or more flag lots.
3. Nonconforming flag lots. Flag lots in existence as of the effective date of this Local Law shall constitute nonconforming lots, provided the “pole” portion of the flag does not meet minimum frontage requirements for the district in which the lot is located.
4. Site plan review, pursuant to Section 50-43, is required prior to the issuance of any building permit on a flag lot. In addition to the standards set forth in Section 50-43, the Planning Board and the Town Board shall apply the following standards:
 - a) **Buildable Area**
 - (1) The minimum area of the “flag” portion of the Flag Lot shall be 1.5 times greater than that required in the zone, and shall constitute the buildable area. The area of the “pole” shall not be included in calculating the buildable area.
 - (2) The minimum building setbacks shall be equal to the minimum setbacks of the zone measured within the buildable area.
 - b) **Flagpole**
 - (1) The minimum width shall be 30 feet.

- (2) The flagpole shall not cross, or encroach into, a stream, stream bed, ravine, wetlands or similar topographic features without provision of an adequate structure approved by the Town Engineer or appropriate outside agencies.
 - (3) The flagpole shall lie along a property line which is significantly perpendicular to the public street. In no instance will one flagpole be adjacent to another flagpole.
 - (4) Parking of vehicles shall be prohibited in any portion of the flagpole.
- c) Access driveway.**
- (1) The access drive shall be contained within the flagpole.
 - (2) The access drive shall have a minimum width of 12 feet. Driveways shall be set back at least five (5) feet from the adjacent property line(s).
 - (3) The access drive shall be paved from the front yard setback of the zone to the edge of the pavement in the public right-of-way.
 - (4) As a minimum, the remainder of the access drive shall be surfaced with stone to a minimum depth of six inches compacted over a firm subbase.
 - (5) Prior to the issuance of a building permit, stone shall be placed from the public street for a distance of 50 feet for the purpose of preventing dirt tracking onto the public street.
 - (6) Prior to the issuance of a certificate of occupancy, the access drive shall be constructed to the point necessary to provide access to the affected lot.
 - (7) A visual buffer beginning at the front yard setback line from the public right-of-way extending to the buildable portion of the flag lot shall be planted on the side of the access drive nearest the property line of the adjacent lot which was not the subject of the flag lot development. The planting shall consist of vegetative material capable of sustaining a visual barrier approved by the Town Forester.
- d) Premises Identification**
The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.
- e) Location of utilities.**
Utilities must be located and approved on the Site Plan.
- f) Drainage plan.**
Grading and drainage systems are to discharge to a public storm system or appropriate storm water system approved by the Town Engineer.

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 6TH day of March 2017 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 21, 2017, the said Town Board will hold a Public Hearing on the 6th day of March, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend Chapter 50, Zoning, Article VII, Regulations Applying to All Districts, Section 50-39, Lot division, of the Code of the Town of Lancaster by adding §50-39(A) "FLAG LOTS". Copies of the proposed Local Law can be reviewed at Town Hall. At the time and place stated above, all interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

February 23, 2017

Town of Lancaster
Local Law No. ___ of 2017

A Local Law Regulating Flag Lots

Pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lancaster, County of Erie, New York does enact the following Local Law:

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Purpose and Intent

- A. To prevent the continuous subdivision of an original parcel of land into flag lots, thereby avoiding sound planning principles and the development of properly engineered transportation routes for access and emergency response.
- B. To prevent the creation of long narrow lots with the intent of further subdivision into flag lots.

Section 2.

- A. The Town of Lancaster Code is hereby amended to add Section 50-39A, Flag lots, which shall read in its entirety as follows:

§ 50-39. Lot division

A. Flag lots.

- 1. Definition: A lot shaped like a flag on a pole. The “flag” shaped area is the portion of a lot where all structures may be located. The “pole” shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located.
- 2. Prohibition on creation. No boundary line adjustment, lot line adjustment, subdivision approval, or any other approval shall be granted which has the effect of creating one or more flag lots.
- 3. Nonconforming flag lots. Flag lots in existence as of the effective date of this Local Law shall constitute nonconforming lots, provided the “pole” portion of the flag does not meet minimum frontage requirements for the district in which the lot is located.
- 4. Site plan review, pursuant to Section 50-43, is required prior to the issuance of any building permit on a flag lot. In addition to the standards set forth in Section 50-43, the Planning Board and the Town Board shall apply the following standards:

a) Buildable Area

- (1) The minimum area of the “flag” portion of the Flag Lot shall be 1.5 times greater than that required in the zone and shall constitute the buildable area. The area of the “pole” shall not be included in calculating the buildable area.
- (2) The minimum building setbacks shall be equal to the minimum setbacks of the zone measured within the buildable area.

b) Flagpole

- (1) The minimum width shall be 30 feet.

- (2) The flagpole shall not cross, or encroach into, a stream, stream bed, ravine, wetlands or similar topographic features without provision of an adequate structure approved by the Town Engineer or appropriate outside agencies.
- (3) The flagpole shall lie along a property line which is significantly perpendicular to the public street. In no instance will one flagpole be adjacent to another flagpole.
- (4) Parking of vehicles shall be prohibited in any portion of the flagpole.

c) Access driveway.

- (1) The access drive shall be contained within the flagpole.
- (2) The access drive shall have a minimum width of 12 feet. Driveways shall be set back at least five (5) feet from the adjacent property line(s).
- (3) The access drive shall be paved from the front yard setback of the zone to the edge of the pavement in the public right-of-way.
- (4) As a minimum, the remainder of the access drive shall be surfaced with stone to a minimum depth of six inches compacted over a firm subbase.
- (5) Prior to the issuance of a building permit, stone shall be placed from the public street for a distance of 50 feet for the purpose of preventing dirt tracking onto the public street.
- (6) Prior to the issuance of a certificate of occupancy, the access drive shall be constructed to the point necessary to provide access to the affected lot.
- (7) A visual buffer beginning at the front yard setback line from the public right of- way extending to the buildable portion of the flag lot shall be planted on the side of the access drive nearest the property line of the adjacent lot which was not the subject of the flag lot development. The planting shall consist of vegetative material capable of sustaining a visual barrier approved by the Town Forester.

d) Premises Identification

The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

e) Location of utilities.

Utilities must be located and approved on the Site Plan.

f) Drainage plan.

Grading and drainage systems are to discharge to a public storm system or appropriate storm water system approved by the Town Engineer.

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR COLEMAN, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER WALTER, TO WIT:

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated February 15, 2017, has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Parks, Recreation and Forestry Department, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Zachary Zika Lancaster, NY	Laborer	\$10.00	February 22, 2017

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, there is a vacancy in the title of Recreation Leader in the Town's Senior Center in the Department of Programs for the Aging (the "Department") due to the retirement of Mary Bartz, and the Town Board is currently evaluating various options in terms of permanent supervision over the Department; and

WHEREAS, in order to ensure that there is effective oversight of the Department in the short term while the Town Board continues its consideration of the Department's long-term supervision, the Town Board has determined that it will assign Mary Beth Gianni, who is currently a part-time Recreation Attendant in the Department, to provide short-term Department oversight on a temporary basis.

NOW, THEREFORE, BE IT

RESOLVED, that the Lancaster Town Board hereby approves the temporary assignment of Mary Beth Gianni subject to the following terms:

1. Effective February 20, 2017, Mary Beth Gianni shall be assigned on a temporary basis to perform duties consistent with those performed by Ms. Bartz as Recreation Leader, in order to provide general oversight of Department operations. Ms. Gianni's specific duties shall be established by and are subject to the direction of the Town Supervisor. This assignment shall be effective for not more than sixty days or as otherwise determined by the Town Supervisor.
2. During the course of this assignment, Ms. Gianni shall receive a stipend of \$175.00 per week in addition to her current hourly rate of \$10.00.
3. The additional compensation set forth in Paragraph 2, above, constitutes the sole additional consideration that Ms. Gianni shall receive for performing the duties set forth in this resolution and this being a temporary assignment provides no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time or temporary employees.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER GACZEWSKI	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER WALTER	VOTED YES
SUPERVISOR COLEMAN	VOTED YES

February 21, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, The LIDA (Lancaster Industrial Development Agency) has been an active and productive force in spurring economic development, job creation and job retention in the Town of Lancaster, and

WHEREAS, The LIDA, by being led by local community and business leaders allows the town to design its economic development strategy and programs in a way which best meets the unique character, environment and needs of the Town of Lancaster, and

WHEREAS, Based on a recent audit by the New York State Comptroller evaluating the cost effectiveness of all Industrial Development Agencies in New York State, the LIDA excels in the areas of controlling the cost of creating new jobs and the expenses of the agency associated with those efforts, making the LIDA one of the most efficient and cost effective Industrial Development Agencies in New York State, and

WHEREAS, Recent legislation filed in the New York State Senate (SB.1833) would allow only the Erie County Industrial Development Agency (ECIDA) to exempt state and county taxes without first obtaining approval, and

WHEREAS, This legislation would also require the LIDA to seek the approval of all taxing jurisdictions before any tax abatements, except town taxes, could be offered, thus adding delays to the approval process, and

WHEREAS, by denying local Industrial Development Agencies the use of these tools, this bill, if it were to become law, would set into motion the decline and eventual disappearance of all local Industrial Development Agencies and create a situation in Erie County of just one Industrial Development Agency, the ECIDA, controlling all economic development activities for all cities, towns and villages throughout the county, and

WHEREAS, this “one size fits all” approach to economic development would not be in the best interests of the Town of Lancaster, and

WHEREAS, the LIDA has previously passed a similar resolution opposing Senate Bill 1833, the Town of Lancaster deems it in the best interest of the Town to oppose said Bill.

NOW THEREFORE

BE IT RESOLVED, that the Town of Lancaster does hereby go on record as opposed to the passage of SB.1833, and

BE IT RESOLVED, that a copy of this resolution be transmitted to the members of the Senate delegation from Western New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	WAS ABSENT	
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

February 21, 2017

COMMUNICATIONS & REPORTS

- 97. Town Clerk to Town Board –
Town Clerk Monthly Report for January 2017. Disposition = Received & Filed**
- 98. Association of Towns of the State of New York to Supervisor –
Information regarding Association of Towns response to Governor’s plan for contingency of AIM funding. Disposition = Received & Filed**
- 99. Town Clerk to Various News Media –
Notice that due to the observance of Presidents’ Day, the regularly scheduled Lancaster Town Board meeting is rescheduled to Tuesday, February 21, 2017. Disposition = Received & Filed**
- 100. Code Enforcement Officer to Town Board –
Recommend approval of Dumping Permit for Michael Passucci, 4083 Walden Ave.; conditions noted. Disposition = For Resolution**
- 101. Code Enforcement Officer to Town Board –
Recommend approval of Dumping Permit for PM Peppermint, Inc., 31 Peppermint Rd.; conditions noted. Disposition = For Resolution**
- 102. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building & Zoning Inspector –
Draft copy of minutes from February 1, 2017 Planning Board meeting. Disposition = Planning Committee**
- 103. Lancaster Volunteer Ambulance Corps (LVAC) to Town Clerk –
January 2017 LVAC calls. Disposition = Received & Filed**
- 104. Town of Lancaster Residents to Town Board and Planning Board –
Signed petition opposing the construction of any Fox Valley Estates Development plans utilizing an obsoleted Multi-family Residential District Three (MFR-3) Zoning code. Disposition = Planning Committee**
- 105. National Fuel to Supervisor –
National Fuel contact information. Disposition = Received & Filed**
- 106. Town Clerk to Code Enforcement Officer –
Copy of letter requesting a renewal of Special Use Permit to operate a Home Occupation (Woodcraft/Gift Shop – Two Chicks and a Rooster) located at 732 Aurora St. Disposition = For Resolution**
- 107. Town of Lancaster Office of Emergency Management to Supervisor –
Town of Lancaster Emergency Management January 2017 Activities. Disposition = Received & Filed**
- 108. City of Niagara Falls, NY to Supervisor –
Information regarding Western New York – A Regional Zombie Foreclosure Initiative. Disposition = Code Enforcement**
- 109. Park Crew Chief to Planning Board and Town Board –
No issues with Site Plan Project #1010, Superior Pallets, 3981 Walden Ave. Disposition = Planning Committee**
- 110. Town Line Volunteer Fire Department, Inc. to Town Clerk –
Change in roster. Disposition = Resolution 2/21/17**
- 111. NYS Department of Transportation to Highway Superintendent –
Response to request for infrastructure improvement along NYS Route 78, between Gould Ave. and Walden Ave. in the Village of Depew. Disposition = Received & Filed**

- 112. Rev. Paul Steller, Pastor St. Mary of the Assumption to Supervisor –
Receipt of confirmation to use Westwood Park for Easter Sunrise service and
thank you for support of parish and community. Disposition = Received & Filed**
- 113. Park Crew Chief to Supervisor and Town Board –
Request for resolution to purchase two Gravely Pro-Turn 160 60” lawn
mowers from Wegman Motor Works, Inc., 1500 Kenmore Ave., Buffalo, NY.
Disposition = Resolution 2/21/17**
- 114. Supervising Code Enforcement Officer to Town Board –
Recommend renewal of Special Use Permit for Manko’s Truck and Auto,
4885 Transit Road. Disposition = Resolution 2/21/17**
- 115. Laura DeBlasi to Town Clerk –
Letter of opposition to the proposed Bowling Alley/Rec Center at 3966
Walden Avenue. Disposition = Planning Committee**
- 116. Park Crew Chief to Supervisor and Town Board –
Request for resolution accepting bid and authorizing payment to Schichtel’s
Nursery for the purchase of street trees for the 2017 tree planting program.
Disposition = For Resolution**
- 117. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept.,
Division of Sewerage Management, NYSDOT, Erie County DEP – Request for
lead agency designation regarding Superior Pallets, 3981 Walden Ave., Proj.
#1010. Disposition = Planning Committee**
- 118. Amy Jaworski, Erie County SPCA to Supervisor –
Information regarding inability to accept healthy animal surrenders or transfers
during move to new facility in West Seneca. Disposition = Dog Control Officer**
- 119. Detective Captain William J. Karn, Jr. to Town Board –
Request for resolution allowing one detective to attend the Basic Bloodstain
Pattern Recognition Course at Hilbert College from June 12-16, 2017.
Disposition = Resolution 2/21/17**
- 120. Park Crew Chief to Supervisor and Town Board –
Request for resolution to hire one part-time laborer in the Parks, Recreation &
Forestry Department. Disposition = Resolution 2/21/17**
- 121. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER WALTER AND SECONDED BY
COUNCIL MEMBER GACZEWSKI AND CARRIED,** the meeting was adjourned in
memory Charles “Chuck” Kaufman and Kevin Przybyl at 8:13 P.M.

Signed _____

Diane M. Terranova, Town Clerk