

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the sixth day of October 2004, at 7:30P.M, and there were present:

PRESENT:

- Stanley J. Keysa, Chairman
- Rebecca Anderson, Member
- John P. Gober, Member
- Lawrence Korzeniewski, Member
- Michael Myszka, Member
- Steven Socha, Member
- Melvin Szymanski, Member

EXCUSED: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff:

- Robert Labenski, Town Engineer
- Jeffrey H. Simme, Building & Zoning Inspector
- John M. Dudziak, Deputy Town Attorney
- Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:30 PM. Motion was made by Steven Socha to approve the minutes from the September 15, 2004 Planning Board Meeting. Motion seconded by John Gober and unanimously carried.

COMMUNICATIONS:

- 10-6-01 Minutes of the Zoning Board of Appeals meeting held September 9, 2004 at which the ZBA considered a petition by Douglas and Margaret Fox of 40 Quail Run Lane for a fence height variance (Granted, with conditions).
- 10-6-02 Confidential communication dated September 16, 2004 from Town Attorney Richard Sherwood regarding the proposed Tim Horton's on Transit Road near Wehrle Drive.
- 10-6-03 Confidential communication dated September 16, 2004 from Town Attorney transmitting copy of technical review dated September 2, 2004 by Russell Stoll of Clough Harbor and Associates LLP of the draft SEIS on Pleasant Meadows subdivision, and providing comments thereon.
- 10-6-04 Memo dated September 17, 2004 from Town Attorney transmitting response dated September 10, 2004 from Ramsey Kahi of NYS DOT asserting need for additional time to review SDEIS for Pleasant Meadows subdivision.
- 10-6-05 Memo dated September 2, 2004 from Building & Zoning Inspector Jeff Simme transmitting application for site plan approval for 4050 sf (10%) addition to Joe Basil Chevrolet, 5111 Transit Road, project # 3553.
- 10-6-06 Memo dated September 23, 2004 from Ron Grimm, Jr. transmitting aerial photo of Kohl's Lancaster site on Transit Road south of William Street and surrounding area.
- 10-6-07 Letter dated September 27, 2004 from Highway Superintendent Richard Reese, Jr., indicating no concerns with site plan for addition to Joe Basil Chevrolet.
- 10-6-08 Memo dated September 28, 2004 from Town Attorney transmitting response dated September 24, 2004 from Steven Doleski of NYS DEC with comments on proposed fourplex apartment buildings at 5692 Broadway.
- 10-6-09 Memo dated September 30, 2004 from Building & Zoning Inspector transmitting copy of a portion of the Town zoning map for area around the proposed rezoning of 5692 Broadway for fourplex apartment buildings.
- 10-6-10 Memo dated September 30, 2004 from General Crew Chief Terrence McCracken indicating no need for landscaping plan for addition to Joe Basil Chevrolet at 5111 Transit Road due to location on the property of proposed addition.
- 10-6-11 Memo dated October 1, 2004 from Town Attorney transmitting response dated September 28, 2004 from Christopher Sansone of EC DEP with comments on rezoning for proposed fourplex apartment buildings at 5692 Broadway.
- 10-6-12 Letter dated October 1, 2004 from Town Attorney requesting that the application of Apple Rubber Products be placed on PB agenda for October 6, 2004 meeting.

- 10-6-13 Memo dated October 5, 2004 from Building & Zoning Inspector transmitting application for site plan approval by Apple Rubber Products for 2500sf (33%) addition to existing building at 310 Erie Street.
- 10-6-14 Undated notice of WNY APA training session on "Economic Development for Small Towns" to be held at the Clarence Public Library on Old Greiner Road at 4 p.m. on Wednesday, October 6, 2004 at Clarence Public Library.

ACTION ITEMS -

REZONE - PROPOSED REZONE ON NORTH SIDE OF BROADWAY AT VILLAGE LINE, FROM R-2 TO MFR-3 FOR THE PROPOSED USE OF TWO FOURPLEX RESIDENTIAL BUILDINGS. CONTACT PERSON: GREG & MARIETTA ZYGAI, 8300 GREINER ROAD.

Al Hopkins, Metzger Engineering, and Greg Zygaj presented to the Planning Board the proposed rezone of the 2.4 acre parcel at 5692 Broadway from R-2 to MFR-3 for the purpose of building two fourplex residential buildings behind the existing fourplex building. This project was adjourned at the September 15, 2004. The applicant was to provide the Planning Board with additional information regarding water pressure, correct zoning, and wetlands. Mr. Hopkins stated that the correct zoning for this parcel is RCO for the first 300' from the center line. The property beyond the first 300' is zoned R-1. Member Anderson asked why the existing building on the front of this parcel was issued a building permit since the parcel is not zoned for this type of building. Building Inspector Simme said that the prior Building Inspector made an error in issuing the building permit. Mr. Hopkins told the Planning Board that a wetlands delineation has been done by Earth Dimensions, but he did not have the report with him. According to the report, the proposed two buildings lie outside of the floodplain. There is also adequate room for a detention basin, if necessary, behind the proposed buildings. He also stated that stormwater will be conveyed to Plumb Bottom Creek and that the land south and west of this parcel will not be flooded. Mr. Hopkins said that they are waiting for the results of the flow test done by Erie County Water Authority. Town Engineer Robert Labenski also stated that he was not sure when the results will be in. Mr. Zygaj told the Planning Board that the proposed plan shows the private driveway will be 20' wide which will allow enough room for a two-way driveway. The driveway can be made wider if necessary. The Planning Board told the applicant that the depth of the driveway must be able to support firetrucks. Chair Keysa referred to Com. 10/6/08 regarding comments from the Dept. of Environmental Conservation and asked the applicant if an archeological study had been done on this parcel. Mr. Hopkins stated that no study had been done. The Planning Board told the applicant to contact NYS Office of Parks, Recreation and Historic Preservation regarding the sensitivity of archeological artifacts and to contact the DEC regarding their comments. Chair Keysa referred to Com. 10/6/11 regarding comments from Christopher Sansone, Erie County Dept. Of Environment and Planning and gave a copy to Mr. Hopkins. A question was raised as to how many trees will be removed for this project. Mr. Zygaj stated that he would only clear the area for the two fourplexes. He was asked if he knew how old the trees are. He did not know if any of the trees are 100 years old. The Planning Board told the applicant that the age of the trees must be determined before the Municipal Review Committee does a SEQR. Chair Keysa polled the Planning Board regarding whether the results of the water pressure test were needed before a vote could be taken on this project. The Planning Board voted two ayes and four nays. Chair Keysa asked for a motion, and Member Anderson made a motion to deny the rezone, but there was no second on the motion.

DETERMINATION

Based on the information provided to the Planning Board, Rebecca Anderson made a motion to adjourn this project to a future date with the following conditions: 1. Applicant to contact NYS Office of Parks, Recreation, and Historic Preservation regarding archeological artifact sensitivity, 2. Applicant to provide Planning Board with results of flow test done by Erie County Water Authority, 3. Applicant to contact DEC for comments regarding this project. Applicant will contact Building Inspector's office when above information is available and will be scheduled for the following Planning Board meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.

SITE PLAN REVIEW - 5111 TRANSIT ROAD, DEPEW, NY. PROPOSED ADDITION TO CONSTRUCT A 4,050 SQ. FT. MASONRY ADDITION TO THE REAR OF THE EXISTING 40,063 SQ. FT. CAR DEALERSHIP. PROJECT NO. 3553. CONTACT PERSON: ROBERT SPEYER

Member Steven Socha said he would recuse himself from this project, since he is an employee of Basil Chevrolet.

Mr. Robert Speyer presented to the Planning Board the site plan for a 4,050 sq. ft. masonry addition to the existing building at 5111 Transit Rd. According to the site plan, 3,000 sq. ft. of the addition will be used for storage and the remainder of the addition will be used for a detail shop. There will be security lighting on the outside of the addition. Since the addition will not be visible from the street, no landscaping plan is necessary. Town Engineer Robert Labenski had no concerns with drainage.

DETERMINATION

Based on the information provided to the Planning Board, John Gober made a motion to recommend approval of the site plan to the Town Board. Motion seconded by Rebecca Anderson and duly passed by a vote of 6 ayes, no nays, and one abstention.

WALK-IN PRESENTATION - WILLIAM SCHUTT REQUESTED TO PRESENT AN INFORMAL PRESENTATION FOR A COMMERCIAL SITE LOCATED ON TRANSIT ROAD.

William Schutt told the Planning Board that this project which is part of a 17-acre parcel has grown since his last presentation in Spring 2004. The 5-acre portion of this parcel along Transit Road and Freeman Drive would now include a Tim Horton's Coffee & Donut Shop, a car rental agency, and a sit-down restaurant. He said that the location of the intersection of Transit Road and Freeman Drive needs to be decided by New York State Dept. of Transportation before this project can be started. Mr. Schutt requested that the Planning Board ask Supervisor Giza to choose a location and initiate a SEQ. Town Engineer Robert Labenski told the Planning Board that NYSDOT held an open meeting on this project in September 2004 and is now waiting for the response to the comments. NYSDOT will make their decision regarding the location of the intersection of Transit Road and Freeman Drive early in 2005.

DETERMINATION

Based on the significant projects pending at this location, Lawrence Korzeniewski made a motion to recommend that the Town Board send a letter to the NYSDOT requesting that a decision regarding the location of the Transit Road and Freeman Drive intersection be made as soon as possible. Motion seconded by Melvin Szymanski and unanimously carried.

SITE PLAN REVIEW - PROPOSED CONSTRUCTION OF A 2,530 SQ. FT. ADDITION FOR ADDITIONAL OFFICE SPACE TO THE EXISTING BUILDING AT 310 ERIE ST. PROJ. NO. 0310. CONTACT PERSON: LEONARD WIENCHOWSKI, JR., REPRESENTATIVE OF C. NICTER CONSTRUCTION COMPANY.

Mr. Buczkowski, Apple Rubber Products, presented to the Planning Board the site plan for a 2, 530 sq. ft. addition to be used for office space. The addition will increase the size of the existing building by one third. Additional parking will be added behind the building. Member Szymanski stated that this project is already 50% completed and asked how this happened. Building Inspector Simme said that there was a mix up. The proposed plan does not show a detention pond. The Planning Board told the applicant that he must consult with Town Engineer Robert Labenski regarding placing a detention pond behind the new parking area or drain stormwater into the existing ditches along the property lines. Although no landscaping plan was provided, Town Engineer Labenski told the Planning Board that he spoke with Crew Chief Terrence McCracken regarding a landscaping plan. Crew Chief McCracken said that no landscaping plan would be necessary given the location of the addition.

DETERMINATION

Based on the information presented to the Planning Board, Lawrence Korzeniewski made a motion to recommend approval of the site plan to the Town Board with the condition that the applicant consult with the Town Engineer as to where put in a detention basin. Motion seconded by Michael Myszka and unanimously carried.

OTHER MATTERS

Lawrence Korzeniewski told the Planning Board that he attended an open house at Ecology & Environment on Pleasant View Drive in Lancaster. He was very impressed and he encouraged the other Planning Board members to attend next year's open house.

Member Steven Socha told the Planning Board that he will be unable to attend the next Planning Board meeting on October 20, 2004. He will be out of town.

Member Rebecca Anderson has pictures and observations regarding the flooding on September 9, 2004. She will circulate them to Chair Keysa and the Planning Board.

Member Melvin Szymanski noted that the Planning Board Meeting numbers on the agenda had skipped some numbers. Building Inspector Simme said that he would check with Caron regarding this.

At 9:07 PM Melvin Szymanski made a motion to adjourn the meeting. Motion seconded by Rebecca Anderson and unanimously carried.