

April 16, 2008

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
Neil Connelly  
John P. Gober  
Lawrence Korzeniewski  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
John M. Abraham, Jr.  
Daniel Amatura  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant: Robert Harris, Wm. Schutt & Associates

Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held April 16, 2008. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa  
Planning Board Chairman

SJK:mn  
Encl.

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 sixteenth day of April 2008, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
Neil Connelly, Member  
John Gober, Member  
Lawrence Korzeniewski, Member  
Steven Socha, Member

EXCUSED: Melvin Szymanski, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Jeffrey H. Simme, Building & Zoning Inspector  
Robert Harris, Engineering Consultant - Wm. Schutt & Associates  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:30 PM.

PLEDGE OF ALLEGIANCE led by Council Member Donna Stempniak.

Motion was made by Rebecca Anderson to approve the minutes from the April 2, 2008 Planning Board Meeting. Motion was seconded by Neil Connelly and unanimously carried.

COMMUNICATIONS:

Chair Keysa read com. 4-16-10 from Bob Bender of Tim Horton's Restaurants. The communication stated that there is a potential hazard at the Transit Road entry to the Tim Horton's restaurant located at Michael Anthony Lane. He is asking for assistance in re-configuring that entry. Following a brief discussion, the Planning Board recommended removing the south wing from the existing entry island on Transit Road allowing southbound traffic on Transit Road to make left turns into the Transit Road entry. Council Member Donna Stempniak stated that the Town Board will pass this letter on to the Police Chief to check the situation and make a determination.

### **ACTION ITEMS -**

REZONE PETITION-5035 TRANSIT ROAD, PRESENT ZONING IS GB-GENERAL BUSINESS, PROPOSED ZONING IS CMS-COMMERCIAL AND MOTOR SERVICE. PROPOSED USE IS AUTO REPAIR/AUTO BODY SHOP (NO FUELING SERVICES). CONTACT PERSON: FRANK J. TODARO

Member Steven Socha recused himself from this project due to his employment at Joe Basil Chevrolet located near this parcel.

Frank Todaro and John Garas presented to the Planning Board the rezone petition for 5035 Transit Road. The present zoning is General Business (GB) and the proposed zoning is Commercial and Motor Service (CMS). Mr. Todaro stated that this parcel will be used for an auto repair/body shop. There will be no fueling services. The following issues were discussed:

Outside storage - Mr. Todaro told the Planning Board that no parts or inventory will be stored outside. Cars that are towed in will be stored behind the building until they are brought inside for repair work. The Planning Board stated that the area behind the existing building will need to be cleaned up and fenced in. Council Member Donna Stempniak consulted the Town Code Book which states that CMS Zoning does not allow any outside storage. The question was raised as to whether a car is considered storage material. The code book does not define what constitutes storage. Building Inspector Jeffrey Simme said that his department will monitor the outside storage situation.

Spot zoning - There was some discussion regarding whether rezoning this parcel would be considered spot zoning. Since there are several other motor use parcels along this part of Transit Road, the Planning Board stated that this would not be considered spot zoning.

Variance - The minimum lot size for CMS zoning is one acre. This parcel does not meet the minimum area requirement and will require an area variance from the Zoning Board of Appeals.

A special use permit will also be required from the Town Board for the auto repair /body shop.

### **DETERMINATION**

Based on the information presented to the Planning Board, Lawrence Korzeniewski made a motion to recommend approval of the rezone petition to the Town Board with the following conditions: 1.) No fueling allowed. 2.) Rezone subject to approval of area variance by Zoning Board of Appeals. 3.) Special use permit will be required. Motion seconded by John Gober and carried by a vote of 5 ayes, no nays, and one recuse.

SKETCH PLAN REVIEW - DEER RUN ESTATES, 91 SINGLE FAMILY HOMES, LOCATED SOUTH OF WILLIAM STREET ON THE WEST SIDE OF LAKE AVENUE - PROJECT NO. 4054. CONTACT PERSON: GLENN D. COOLEY.

Axel Neff and John Garas presented to the Planning Board the sketch plan for the proposed 91-home development located south of William Street on the west side of Lake Avenue. Mr. Garas stated that a sketch plan was presented to the Planning Board in February 2005, September 2006, and May 2007. The conditions noted for the sketch plans have been addressed: The Army Corp of Engineers have delineated the wetlands as noted on the current sketch plan. There are no NYS wetlands on this parcel. It has also been determined that there are no Henslow's Sparrow habitats present on this parcel. The following issues were addressed:

Wetlands - Mr. Garas stated that the wetlands shown on the sketch plan will not be impacted. Large wetland areas are shown on lots #5, #6, #7, #8, #9, #10, #53, #54, #55, & #56. Isolated wetlands are shown on lots #37 and #81. The Planning Board stated that because there is no activity allowed in the wetland areas, the wetlands will need to be marked on each lot with metal stakes with brass caps.

Easements - Member Anderson stated that the easement shown at the east end of the development will need to be shifted 15 feet to the west off the property line for backyard drainage. Council Member Donna Stempniak said that the location of this easement was a condition of the previous sketch plan. The Planning Board stated that location and size of all drainage easements are to be shown on the preliminary plat plan.

Drainage - The sketch plan shows a large stormwater detention pond in the center of the development. Location of the swale and setback for lots #55, #56, #57, #58, #59, #60 & #61 are to be shown on the preliminary plat plan.

Traffic Study - Mr. Garas told the Planning Board that the traffic study for this project has been completed. Council Member Donna Stempniak stated that the traffic study for the south part of the Town is near completion. Chair Keysa asked Town Engineer Robert Harris to look over both traffic studies to determine which sites will be impacted.

Town Engineer Robert Harris told the Planning Board that lot #91 will have a box culvert located under the driveway and may not be a buildable lot. He also stated that if this lot is built out, the box culvert needs to be shown on the deed to make prospective buyers aware.

## DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Steven Socha to recommend approval of the sketch plan to the Town Board with the following conditions: 1.) Location and size of all drainage easements to be shown on preliminary plat plan. 2.) Location of swale and setback for lots #55 through lot #61 to be shown on preliminary plat plan. Motion seconded by John Gober and duly carried by a vote of 5 ayes and 1 nay (Member Anderson).

## OTHER MATTERS - None

At 8:48PM John Gober made a motion to adjourn the meeting. Motion seconded by Neil Connelly and unanimously carried.

