

May 7, 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 May 7, 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 seventh day of May 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
Melvin Szymanski, Member

EXCUSED: None

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
Leza Braun, Secretary for Town Attorney's Office

Meeting called to order by Chair Keysa at 7:32 PM.

PLEDGE OF ALLEGIANCE led by Leza Braun.

Motion was made by Lawrence Korzeniewski to approve the minutes from the April 16, 2008 Planning Board Meeting. Motion was seconded by Neil Connelly and unanimously carried.

COMMUNICATIONS:

ACTION ITEMS -

SITE PLAN REVIEW - ALDI FOOD STORE, 4931 TRANSIT ROAD, 300' SOUTH OF WILLIAM STREET, 15,121 SQ. FT. BUILDING. PROJECT NO. 9631. CONTACT PERSON: TODD BENDERSON OF BENDERSON DEVELOPMENT

Chair Keysa recused himself from voting on this project because he has taken on representation for an estate which holds the mortgage on property near this project. Chair Keysa offered to step down as Chair during this presentation. However, the Planning Board unanimously agreed that Chair Keysa should remain as Chair for the presentation.

Attorney Peter Sorgi, Matt Oates from Benderson and Eric Recoon from Benderson presented to the Planning Board the site plan for the proposed 15,121 sq. ft. Aldi Food Store at 4931 Transit Road. Mr. Sorgi stated that the site plan has been slightly revised with the following changes: The loading dock has been relocated, additional landscaping is shown, and the Transit Road driveway has been lined up with the existing Target driveway on Transit Road. The following issues were addressed:

Landscaping - Chair Keysa referred to com.5-7-14 from Gen. Crew Chief Terrence McCracken advising of concerns with the current landscaping plan. The Planning Board stated that additional trees will need be to planted, and a new landscaping plan must be submitted to Gen. Crew Chief Terrence McCracken for approval. Truck traffic - Mr. Sorgi told the Planning Board that all truck traffic making deliveries to this project will be exiting onto Transit Road. No large trucks will be allowed to exit on William Street. The Planning Board asked Mr.Sorgi what will prevent trucks from exiting onto William Street. Mr. Sorgi stated that all trucks will enter from Transit Road, drive to the rear of the store to make their deliveries by backing up to the loading dock, and exit back to Transit Road. The Planning Board asked that signs be put in place stating that no trucks are allowed to exit onto William Street.

Rite-Aid Easement - The easement with Rite-Aid allowing the use of their existing William Street driveway must be approved.

Property to northeast - Mr. Sorgi told the Planning Board that he has been in contact with Bella Vista regarding the property to the northeast of this project. Bella Vista does not own the property, but is interested in developing it. Mr. Sorgi said that he has been told by Bella Vista that when the property to the northeast is developed, Benderson will be allowed to interconnect to use the traffic signal at the Walmart driveway. The Planning Board stated that an agreement will need to be drawn up regarding this future interconnectivity and both parties willingness to sign the agreement. The Town Attorney must approve the draft easement language in the agreement with the property to the northeast.

William Street Approach - There was some discussion regarding the current width of the Rite-Aid driveway and whether it is wide enough to accommodate two-way traffic for entry/exit to this project. Mr. Sorgi told the

Planning Board that Benderson does not own this property and cannot make any improvements. Chair Keysa stated that the owner of the Rite-Aid property is responsible for the driveway, but improvements to the approach (apron area) to the Rite-Aid driveway on William St. must be done by the Erie County Highway Dept. The Planning Board stated that the Town Engineer or Erie County Highway must review the approach to the Rite-Aid driveway on William St. for modification of turning radii onto William St.

The Planning Board also stated that plans for lighting, drainage, etc. are subject to approval by the Town Engineer.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the site plan to the Town Board with the following conditions: 1.) Landscaping plan to be approved by Gen.Crew Chief Terrence McCracken. 2.) Signage restricting truck traffic to William Street. 3.) Easement with Rite-Aid to be approved. 4.) Town Attorney to approve language of draft easement with property owner to the northeast and that it will be signed by both parties. 5.) Town Engineer or Erie County Highway to review approach to William Street and modify turning radii to William Street. 6.) Subject to Town Engineer's review of plans for lighting, drainage, etc. Motion seconded by John Gober and duly carried by a vote of 5 ayes and 1 nay (Member Socha) with Chair Keysa abstaining.

REZONE PETITION - RJF DEVELOPMENT - CROSS CREEK PARCEL REZONING, PLEASANTVIEW DRIVE (PART OF SBL #94.00-2-34.1 & PART OF SBL #94.00-2-32.1), PRESENT ZONING IS AR-AGRICULTURAL RESIDENTIAL DISTRICT. PROPOSED ZONING IS NB-NEIGHBORHOOD BUSINESS DISTRICT. PROPOSED USE OF PREMISES IS SMALL RETAIL BUSINESS. CONTACT PERSON: PETER SORGI

Attorney Peter Sorgi presented to the Planning Board the rezone petition for part of two parcels located at the intersection of Pleasant View Drive and Pavement Road. The present zoning is AR-Agricultural Residential. The Proposed zoning is NB-Neighborhood Business. The proposed use of the premises is a small retail business. Mr. Sorgi told the Planning Board that these two parcels are adjacent to the Cross Creek Subdivision, and that the proposed small business might be a convenience store-type business. He explained to the Planning Board that a business of this type would be a convenience for residents of the Cross Creek Subdivision because it would be in walking distance. He also stated that this type of zoning is consistent with the Town's master plan. Member Anderson raised a question regarding whether the proposed small business will have a drive-thru. Mr. Sorgi said that there probably would not be a drive thru, but he was not absolutely certain. There currently

is nothing in the Town code restricting a drive thru in NB zoning. The Planning Board asked if the applicant had a conceptual plan for the proposed rezone. Mr. Sorgi had only one copy of a conceptual plan that he showed to the Planning Board. Chair Keysa asked that the applicant provide 32 additional copies of the conceptual plan to the Town Clerk's office for distribution.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Steven Socha to recommend approval of the rezone petition to the Town Board with the following condition: 1.) Applicant to provide 32 additional copies of the conceptual plan to the Town Clerk's office for distribution. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 6 ayes and 1 nay (Member Anderson).

SITE PLAN REVIEW - ORVILLE'S APPLIANCES, 3979 WALDEN AVENUE, 25,025 SQ.FT. ADDITION.

PROJECT NO. 1751. CONTACT PERSON: H. CHRISTOPHER STRENG OF KULBACK'S CONSTRUCTION, INC.

Member Steven Socha recused himself from this project. His employer has an account with Orville's Appliances.

Chris Streng of Kulback's Construction presented to the Planning Board the site plan for the proposed 25,025 sq. ft. addition to the existing building at 3979 Walden Avenue. Mr. Streng told the Planning Board that the additional space will be used for warehouse area. The east wall of the existing building will be removed and the building will be expanded to the east. The expanded section will be an exact match to the existing metal building. No additional parking will be necessary.

Landscaping - The Planning Board stated that the landscaping levels are to continue as at present.

Drainage - Mr. Sorgi stated that the existing detention basin will be sufficient for the additional drainage. Town Engineer Robert Harris told the Planning Board that currently the adjacent property (Public Storage Facility) has been experiencing flooding problems during heavy rains, and the drainage from the proposed expansion could cause more flooding. Following a brief discussion, the Planning Board stated that the weir plate of the existing detention basin should be raised to hold an additional 4" to 6" of water, to the approval of the Town Engineer.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by John Gober to recommend approval of the site plan to the Town Board with the following condition: 1.) Raise the weir plate of the existing detention basin to hold an additional 4" to 6" of water, to the approval of the Town Engineer. Motion seconded by Neil Connelly and duly carried by a vote of 6 ayes and no nays with Member Socha abstaining.

OTHER MATTERS -

Windsor Ridge South - Town Engineer Robert Harris told the Planning Board that Phase I of Windsor Ridge South (about 100 homes) will be starting, but it is not known when the future phases will be built. The plans for Phase I show a 1,200 ft. dead end street with a temporary T-turnaround. Mr. Harris wanted to know if this design was satisfactory to the Planning Board, or if the Phase I portion of this project should come back to the Planning Board. The Planning Board was concerned with school bus turnarounds, and unanimously agreed that the Windsor Ridge South Phase I must come back before the Planning Board. There was also some discussion regarding the school district lines within Windsor Ridge South and if a determination has been made.

Uniland - Member Szymanski inquired about the work that is being done at the Uniland site on Walden Avenue and Pavement Road. Building Inspector Jeffrey Simme told the Planning Board that a section of the parcel is being cleared. They are not doing any building, just clearing.

Walmart - Council Member Donna Stempniak told the Planning Board that as a result of a recent meeting between Walmart and the Town of Lancaster, this project will be coming back before the Planning Board. The site plan is being revised and will require Planning Board approval.

At 8:50PM Neil Connelly made a motion to adjourn the meeting. Motion seconded by Steven Socha and unanimously carried.

