

May 6, 2009

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 on May 6, 2009. 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 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 May 2009, 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: Robert Harris, Engineering Consultant - Wm. Schutt & Associates
George Pease, Assistant Building & Zoning Inspector
Nicholas LoCicero, Town Prosecutor for Town Attorney's Office
Mary Nowak, Recording Secretary

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

Pledge of Allegiance led by Asst. Building Inspector George Pease

Minutes - Motion was made by Steven Socha to approve the minutes from the March 18, 2009 Planning

Board Meeting. Motion seconded by John Gober and unanimously carried.

COMMUNICATIONS -

ACTION ITEMS -

SITE PLAN REVIEW - BUFFALO CRUSHED STONE, INC., 91 BARTON ROAD, INSTALLATION OF A READY MIX CONCRETE BATCH PLANT. CONTACT PERSON: J.S. LARAI SO OF BUFFALO CRUSHED STONE, INC.

Mr. Laraiso presented to the Planning Board the site plan for the installation of a ready mix concrete batch plant located at 91 Barton Road. Mr. Laraiso told the Planning Board that a temporary batch plant was erected in 2007. Since that time, another facility was erected adjacent to the temporary plant that included office space and lavatory facilities. This facility is located more than 1,000 feet from Wehrle Drive, and there currently is a paved road in place out to Wehrle Drive. The Building Inspector has determined that the new facility is more than a simple enclosure, and that a site plan will need to be provided to the Town Board. Reference was made to com.5-6-06 from General Crew Chief Terrence McCracken indicating that no landscape plan had been submitted with the site plan. Following a brief discussion, the Planning Board unanimously agreed that a landscape plan is not necessary for this project.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the site plan as submitted to the Town Board. Motion seconded by Neil Connelly and unanimously carried.

SITE PLAN REVIEW - R & C BUILDING & MAINTENANCE CONTRACTORS, LLC. 5007 - 5009 TRANSIT ROAD, 10,600 SQ.FT. MEDICAL OFFICE BUILDING. CONTACT PERSON: KIMBERLY BINGMAN.

Kimberly Bingman and architect Daryl Martin presented to the Planning Board the site plan review for the proposed 10,600 sq.ft. medical office building to be located at 5007-5009 Transit Road. Mr. Martin stated that the two existing houses on this parcel will be demolished and that a 10,600 sq. ft medical office building will be built. The following issues were discussed:

Wetlands - Mr. Martin stated that a wetlands delineation has been completed. This site plan has been approved by NYSDEC. and shows a 50-ft. wetlands buffer. The Planning Board stated that the wetlands must be monumented using metal stakes with brass or plastic caps. Monumentation will be to the Town Engineers's specifications.

Landscaping - Reference was made to com.5-6-12 from General Crew Chief Terrence McCracken indicating that additional landscaping will be necessary. Mr. Martin stated that he will contact Mr. McCracken regarding the additional landscaping.

Driveway - The site plan shows a curb cut to this project from Transit Road. Town Engineer Robert Harris reminded the applicant of the Transit Road Access Management Plan and that it may be necessary to eliminate the curb cut. The Planning Board suggested cross access traffic from north to south through

the front parking lot to the major access road to the south which is owned by Walmart. When the driveway access to the south road is installed, the driveway shown on the site plan can be removed. Mr. Martin said that he will contact the owner of the access road to the south to discuss the use of the road for this project.

Town Engineer Robert Harris also stated that there are still a few engineering issues that the applicant is in the process of addressing. The Planning Board stated that all engineering issues must be clarified before this project goes before the Town Board.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Lawrence Korzeniewski to recommend approval of the site plan to the Town Board with the following conditions: 1.) Project to be consistent with NYS wetlands permit. 2.) Owner will monument wetlands to Town Engineer's specifications. 3.) Landscape plan to be modified as per Gen. Crew Chief Terrence McCracken. 4.) Clarification of remaining issues raised by Town Engineer. 5.) Cross access traffic from north to south through front parking lot. 6.) Install driveway access to south road, and when installed remove driveway shown on plan. Motion seconded by Rebecca Anderson and unanimously carried.

REZONE PETITION - CALAMAR & THE VINE WESLEYAN CHURCH, 5335 WILLIAM STREET. PRESENT ZONING IS AR, AGRICULTURAL RESIDENTIAL AND R-1, RESIDENTIAL SINGLE FAMILY. PROPOSED ZONING IS MFR-4, MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS A THREE-STORY, 104-UNIT SENIOR RESIDENTIAL BUILDING. CONTACT PERSON: PHIL SILVESTRI

This project came before the Planning Board for an informal discussion on March 4, 2009.

Jocelyn Bos and Sam Reeder of Calamar Developers and Phil Silvestri, of Silvestri Architects, presented to the Planning Board the rezone petition for the 8-acre parcel located at 5335 William Street east of Bowen Road. Ms. Bos stated that the plan for the development of this parcel was based on the previous input from this Planning Board and a prepared market study. The project will consist of a 3-story complex with 104 enhanced senior apartments, which will be owned by Calamar LLC. This parcel is adjacent to industrial property to the east, vacant land to the west, and residences across the street. The Planning Board asked the applicant what the benefits of rezoning this parcel would be for the Town of Lancaster. Mr. Reeder stated that there is a need for this type of facility in the Town of Lancaster, and that the location is not on a main thoroughfare. Chair Keysa stated that there have been several projects before the Planning Board with this type of housing in the Town of Lancaster, and that a senior apartment complex is not unique. There was some discussion regarding the location of this project. Some Planning Board members felt that it should be located on or near a bus route. This location is not near a bus route. Chair Keysa also said that the Town's Comprehensive Plan indicates low-density housing in this part of the Town. This project is not low-density housing and would be considered spot zoning. The Planning Board members had received numerous letters from residents of the surrounding area voicing their concerns and opposition to the project. Chair Keysa had compiled a summary of the comments from these letters as follows:

-Spot zoning (nothing comparable adjacent or nearby)

-Out of character with neighborhood (3-story 104-unit complex in area of 2-story single-family homes)
(Note presence of 1868 restored schoolhouse at NEC William and Bowen)

- Concerns over traffic on two lane William Street
- Concerns over impact on wildlife
- Facility is not part of church ministry
- Current problems with high intensity lighting
- Loss of green space, open space
- Past agricultural use of site makes area attractive as rural setting
- Facility should be located on a road with a bus line (such as Broadway or Transit)
- Facility is not proximate to resources for residents, such as stores, retail outlets, restaurants
- William Street and Bowen Road both lack sidewalks
- Perceived negative impact on value of adjacent housing
- Concerns for drainage, including beavers active on site
- Many in area still on septic systems, worried about impact of growth, runoff, lack of progress of County in providing sewer service
- Concern for water pressure
- Sense that there is adequate number of similar senior facilities within the Town existing, under construction or approved; no unique need for this facility.
- Concern for adverse impact on Derkovitz Enterprises, an existing commercial business at 5391 William Street, viewed as a good neighbor
- Use is not in keeping with earlier plans presented to residents by the Church for church athletic fields.
- Concerns for tax impact on residents if facility seeks and is granted tax exemption.

DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Melvin Szymanski to recommend denial of the rezone petition to the Town Board for the following reasons: 1.) This project is out of character with the surrounding neighborhood. 2.) Rezoning this parcel would be considered spot zoning. 3. Rezoning this parcel is not accordance with the Town's Master Plan. Motion seconded by Neil Connelly and unanimously carried.

REZONE PETITION - 81 & 3 OF FLORIDA, TRANSIT ROAD NORTH OF WILLIAM STREET. PRESENT ZONING IS GB, GENERAL BUSINESS. PROPOSED ZONING IS MRF-4, MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS 112 APARTMENT UNITS. CONTACT PERSON: JOSEPH CIPOLLA.

Joseph Cipolla of 81 & 3 of Florida presented to the Planning Board the rezone petition for the 8.66-acre

parcel located on Transit Road north of William Street. The present zoning is GB, General Business. The proposed zoning is MFR-4, Multi-Family Residential District Four. Mr. Cippola told the Planning Board that 7.6 acres will be impacted and one acre will be preserved. He also stated that originally a commercial project was planned for this parcel, but due to the wetlands restrictions that type of project was not possible. The plan shows 2-story apartment buildings for 1, 2, and 3-bedroom apartments. A stormwater facility is shown to the north of the buildings. A 100-ft. buffer area is also shown. Both the Walmart project and the proposed medical building will be to the south, and Northwood Village to the east of this parcel. Mr. Cippola told the Planning Board that it has been suggested that a sub-par road be constructed from Transit Boulevard to this project for emergency vehicles. The Planning Board told Mr. Cippola that the proposed project to the south (medical building) is looking to cross access traffic from north to south through their front parking lot to the driveway at the Walmart entrance on Transit Road due to traffic access management and will need to work out an agreement to use that driveway. Mr. Cippola stated that he would be willing to speak with the owners of the medical building project regarding the use of the driveway.

DETERMINATION

At the request of the applicant, this project is adjourned to a future Planning Board meeting. Motion to adjourn this project was made by Steven Socha, seconded by Melvin Szymanski and unanimously carried.

DISCUSSION ON THE SIDEWALKS IN PARKHAVEN SUBDIVISION.

The Planning Board discussed the sidewalks within the Parkhaven Subdivision located on Bowen Road across from Bell Tower Village. The Town Board resolution dated December 15, 2008, approving this subdivision stated that a plan needed to be submitted showing the location of the sidewalks including those on Bowen Road. As of this date, no plan has been submitted showing sidewalk location, and no sidewalks have been placed within this subdivision or along Bowen Road. Chair Keysa told the Planning Board that many of the owners of the patio homes within this subdivision do not want sidewalks because of the small size of their front lawns. Since the Planning Board is desirous of supporting walking and safety, sidewalks will remain a part of this subdivision. Chair Keysa stated that he has been through this subdivision and has measured the distance from garage door to the edge of the gutter curb at 28' 6". He suggested that 5-ft. sidewalks be placed adjacent to the existing gutter curbs on the north side of Logan Lane and the west side of Dover Court. This would allow for snowplows to plow the sidewalks at the same time that the streets are plowed. It was also suggested that 5-ft. sidewalks be placed adjacent to the County right-of-way along Bowen Road.

DETERMINATION

Following a brief discussion, a motion was made by Rebecca Anderson to recommend to the Town Board that 5-ft. sidewalks be constructed adjacent to the curbs along the north side of Logan Lane and the west side of Dover Court. Also, 5-ft. sidewalks be constructed west of the County right-of-way line on Bowen Road. Motion seconded by Lawrence Korzeniewski and unanimously carried.

OTHER MATTERS - None

At 9:38PM Steven Socha made a motion to adjourn the meeting. Motion seconded by Neil Connelly and unanimously carried.