

July 15, 2009

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
Neil Connelly  
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 July 15, 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 fifteenth day of July

2009, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
Neil Connelly, 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  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:33 PM.

Pledge of Allegiance led by Fire Chief Donald Snios.

Minutes - Motion was made by Neil Connelly to approve the minutes from the June 17, 2009 Planning Board Meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.

Communications:

**Administrative Items -**

Chair Keysa referred to com. 7-15-17 regarding the comments in Citizens for Regional Transit News (July/August 2009 issue) on plans of NFTA to sell DL&W Railroad right-of-way link into downtown Buffalo. Chair Keysa explained to the Planning Board that this is a critical connection to the south towns. The sale of this railroad right-of-way would eliminate rail connection to the south towns and would also make connection to the east very difficult. Chair Keysa asked the Planning Board for a

resolution authorizing him to write a letter to the Niagara Frontier Transit Authority (NFTA) questioning the sale of the DL&W Railroad right-of-way. A motion was made by Rebecca Anderson to authorize Chair Keysa to write a letter on behalf of the Planning Board of the Town of Lancaster to question the sale of the DL&W Railroad right-of-way and to explain the importance of this railroad right-of-way to the Western New York area. Motion seconded by Steven Socha and unanimously carried.

Com.7-15-25 - Chair Keysa told the Planning Board that this letter to Supervisor Giza from the Town of Amherst Planning Board asking for comments on a site plan for a parking lot for DiBello's Restaurant at 6970 Transit Road was forwarded to the Lancaster Planning Board. According to the site plan, the proposed parking lot will require the demolition of 5 homes behind DiBello's restaurant. Chair Keysa asked for a resolution from the Lancaster Planning Board recommending that Supervisor Giza respond to the Town of Amherst Planning Board with no comments on this project. A motion was made by Lawrence Korzeniewski for a resolution recommending that Supervisor Giza send a letter to the Town of Amherst Planning Board stating that the Town of Lancaster has no comments concerning this project. Motion seconded by Rebecca Anderson and unanimously carried.

Com. 7-15-26 - A letter dated 7/10/09 from Grace Miller, Secretary of Village of Lancaster Historic Preservation District to Supervisor Giza offering assistance in having Town Hall listed on the National Register of Historic Places. Following a brief discussion, a motion was made by Melvin Szymanski for a resolution to encourage Supervisor Giza and the Town Board to engage in discussions and look into what the application involves regarding having Town Hall listed on the National Register of Historic Places. Motion seconded by Neil Connelly and unanimously carried.

#### **ACTION ITEMS** -

REZONE PETITION - TRANSIT FRENCH ASSOCIATES, 4779 & 4783 TRANSIT ROAD. PRESENT ZONING IS GB, GENERAL BUSINESS & R-1, RESIDENTIAL DISTRICT ONE. PROPOSED ZONING IS MRF-4, MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS 68 SENIOR CITIZEN APARTMENT UNITS. CONTACT PERSON: JOSEPH CIPOLLA.

This project was adjourned at the June 17, 2009 Planning Board meeting. Applicant to address issues raised at that meeting.

Joseph Cipolla of Bella Vista presented to the Planning Board the rezone petition for a 5-acre project located at 4779 & 4783 Transit Road. This parcel is located behind the existing TOPS plaza on Transit Road and French Road. The proposed use is for 68 lower middle income senior apartments. These would be independent living apartments. Mr. Cipolla addressed the following items:

Greenspace - Mr. Cipolla stated that the existing calculations are as follows: Forestview Restaurant project has 18% greenspace, Transit-French Plaza has 25% greenspace, and the proposed senior citizen apartment project will have 60% greenspace.

Access to project - The proposed plan shows the following three ingress/egress points for this project:  
– The first ingress/egress is the current entrance at the Forestview Restaurant on Transit Road which will use the road behind the existing plaza along the north side of the parking lot. This road is about 25 feet wide and considered very narrow. The road would be 4 feet off the building and striped. There would

be no parking or dumpsters allowed along this road. This access would be limited to eastbound tractor trailer deliveries. Auto access would be discouraged. The Planning Board was concerned about using this as an access road.

– The second ingress/egress will be the existing unsignalized entrance to the Transit/French Plaza on Transit Road. Mr. Cipolla stated that the lines of sight at this entrance/exit extend deep into the parking lot. The parking lot striping in the plaza would be diagonal instead of the current perpendicular parking.

– The third ingress/egress shown on the plan is the signalized entrance to the plaza at Transit Road & French Road. Residents of the senior apartments would travel around and along the back of the Tops store with solid striping and stop signs. Mr. Cipolla stated that delivery trucks to the rear of Tops would not cause a traffic problem.

Some Planning Board members continued to have concerns with the senior apartment residents traveling through a busy parking lot to get in and out of their complex. At the June 17, 2009 Planning Board meeting, Mr. Cipolla stated that he had contacted the Lancaster Police Dept. requesting the number of accident reports filed for this entire parking lot in the past three years. According to the response from the Lancaster Police Dept., there have been a total of 6 accidents (all property damage only) in the past three years. There were no injuries reported. Mr. Cipolla stated that this is a very safe parking lot. He had also suggested to the Planning Board members that the apartment complex at the Garden Village Plaza parking lot at Union Road & French Road was a comparable situation. The Planning Board members stated that they had been to the Garden Village Plaza and that this was not a comparable situation since the road to the apartment complex is a dedicated road.

Emergency Vehicles - Fire Chief Donald Snios told the Planning Board that due to the difficulty in using the center entrance to the parking lot, all emergency vehicles must use the signalized entrance at Transit Rd. & French Rd.

Access Management - Mr. Cipolla told the Planning Board that since this project will use existing ingress/egress on Transit Road, this project meets the criteria for the recently adopted Traffic Access Management.

The following findings and observations were made by the Planning Board regarding this project:

- 1.) This project is not inconsistent with the Town's Master Plan for property along Transit Road with mixed use within this parcel.
- 2.) Residential use is compatible with use north of this site and east of this site.
- 3.) This project would be a boundary between single-family residential to the east, multi family residential to the north, and commercial to the west.
- 4.) Combined use of existing access would be consistent with traffic access management along Transit Road by using internal access through the existing parking lot. However,
  - A.) The north access route is too small for both auto and truck traffic.
  - B.) The center access route is of concern. Traffic must move through existing traffic and parking areas. If approved, single-direction lanes and diagonal parking would reduce traffic conflict.
  - C.) The area between buildings will need specific efforts in the site plan to buffer traffic from Tops building and to organize traffic flow.
  - D.) Use of the existing signal at French Road is the preferred entrance. However, the Planning

Board has concerns over the route around the Tops building and potential of mingling auto traffic with tractor trailers backing into Tops.

E.) Senior citizens will be using this building; in general, their reaction times can be expected to be slower.

F.) If senior citizens will be using this building, traffic counts will likely be lower. Additional traffic generated on this site is unlikely to significantly impact traffic on Transit Road.

G.) Board members are uneasy in that the only access to this project is through a busy commercial site.

5.) Greenspace provisions meet minimal requirements for this project and surrounding projects.

6.) Board members are of the opinion that the entry through a commercial area renders this a less attractive dwelling site.

7.) The site, if safe, is appropriate for residential apartment complex and does not infringe on wetlands and detention areas.

8.) A modest increase in ambulance and emergency calls is expected. Access of emergency vehicles will be a site plan concern.

9.) If rezone is approved, site plan approval should be contingent on developer installing emergency generators for common area lighting and heat, elevator and emergency lighting in the building.

10.) A limited number of property damage accidents have occurred over the past 3 years per Lancaster Police Dept. report; observation by Planning Board members indicate that this parking lot is less dangerous than other similar sites.

11.) Concern has been expressed by neighbors as to whether this is an appropriate use in regards to Town's Master Plan.

12.) Some Planning Board members have expressed concern over division of the existing detention basin for purpose of meeting minimum space required for this building.

13.) Opposition has been expressed by a number of residents to the north and to the east of this project regarding their detected loss of privacy, drainage, and increased pestilence. The Planning Board has not found substantial basis for said concerns.

Following a brief discussion, a motion was made by Steven Socha to approve the above-listed findings and observations made by the Planning Board. Motion seconded by Melvin Szymanski and unanimously approved.

#### DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the rezone to the Town Board. On roll call vote:

Member Anderson: Nay  
Member Connelly: Nay  
Member Korzeniewski: Nay

Member Socha: Yes  
Member Szymanski: Yes  
Chair Keysa: Yes

Motion to recommend approval was not duly carried. This project can go forward to the Town Board without a recommendation from the Town Planning Board.

#### OTHER MATTERS -

Council Member Donna Stempniak told the Planning Board that she has been informed that some residents of St. David's Lane in the patio home section of Pleasant Meadows were starting a petition to have the patio home section of Pleasant Meadows not have street connection with the neighboring phases of this subdivision. Donna said that she spoke with some of the proponents of the petition and told them that the mapcover shows interconnectivity within the entire Pleasant Meadows Subdivision. Donna wanted the Planning Board to be aware that the proponents of the petition may want to come before the Planning Board with their petition.

Lawrence Korzeniewski told the Planning Board that he will not be able to attend the next Planning Board meeting on August 19, 2009.

At 8:55 PM Steven Socha made a motion to adjourn the meeting. Motion seconded by Neil Connelly and unanimously carried.