August 19, 2020

Planning Board Members: Neil Connelly, Chairman
Rebecca Anderson
Anthony Gorski
Joseph Keefe
Stanley Jay Keysa III
Lawrence Korzeniewski
Kristin McCracken

Town Board Members: Ronald Ruffino, Sr., Supervisor
Adam Dickman
Robert Leary
David Mazur

Engineering Consultant: Ed Schiller, Wm. Schutt & Associates

Town Attorney: Kevin E. Loftus

Town Highway Superintendent: Daniel J. Amatura

Building & Zoning Inspector: Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held August 19, 2020. 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,

Neil R. Connelly
Planning Board Chairman

NRC:cm
Encl.
A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held via Zoom, on the 19th day of August 2020 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
          Rebecca Anderson, Member
          Anthony Gorski, Member
          Joseph Keefe, Member
          Stanley Jay Keysa III, Member
          Lawrence Korzeniewski, Member
          Kristin McCracken, Member

EXCUSED: None

ABSENT: None

ALSO PRESENT: None

Town Board Members: Councilman David Mazur

Other Elected Officials: None

Town Staff: Emily Orlando, Deputy Town Attorney
           Ed Schiller of Wm. Schutt & Assoc.
           Matt Fischione, Code Enforcement Officer
           Cynthia Maciejewski, Recording Secretary
Meeting called to order by Chair Connelly at 7:00 P.M.

Pledge of Allegiance led by Chair Connelly.

Minutes-A motion was made by Kristin McCracken to approve the minutes from the August 5, 2020 Planning Board Meeting. Motion seconded by Joseph Keefe and unanimously carried.

There is a Webinar available 8/20/2020 for Planning Board Members at 1p.m.
TOWN OF LANCASTER PLANNING BOARD
COMMUNICATIONS LIST - AUGUST 19, 2020

8.19.01 Letter dated 8/12/20 from Ed Schiller, Town Engineer, with comments regarding Advanced Thermal Solutions.

8.19.02 SEQR response dated 8/08/20 from Erie County Department of Environment and Planning with comments regarding Lancaster Parkway Commercial Development.

8.19.03 SEQR response dated 87/24/20 from Erie County Division of Sewerage Management with comments regarding Lancaster Parkway.

8.19.04 Letter dated 8/05/20 from Matt Fischione, Code Enforcement Officer, with comments regarding Advanced Thermal Solutions.

8.19.05 Memo from Matt Fischione regarding training opportunity on 8/20/20 - Learning Series webinar.

8.19.06 Notice of Public Hearing via Zoom on Monday, 8/24/20 at 6:00 P.M. for the Zoning Code.

8.19.07 Letter dated 8/10/20 from Mariely Ortiz of Erie County Department of Environment and Planning, forwarded by Town Clerk Terranova, regarding proposed Solar Development on Shisler Rd.

8.19.08 SEQR response dated 8/13/20 from Erie County DPW with comments regarding Commercial Development on Lancaster Parkway.

8.19.09 Letter dated 8/12/20 from Mike Metzger, in response to comments from Ed Schiller, Town Engineer, regarding Commercial Development at Lancaster Parkway.

8.19.10 Memo dated 8/18/20 from Michelle Bararo, Park Crew Chief, with comments regarding Advanced Thermal Solutions.

8.19.11 Letter dated 8/18/20 from Matt Fischione, CEO, with comments regarding Lancaster Parkway Commercial Development.

8.19.12 Letter dated 8/19/20 from Ed Schiller, Town Engineer, with comments regarding Lancaster Parkway Commercial Development.
AMENDED SITE PLAN REVIEW-PROJECT #8392, ADVANCED THERMAL SOLUTIONS, S.B.L. #105.00-3-4.1. 11,000 +/- SQ. FT. OF ADDITIONAL PERMANENT PAVEMENT (DRIVEWAY ALONG THE NORTH SIDE OF THE EXISTING BUILDING AND A PARKING AREA ADJACENT TO THE NORTH SIDE OF THE 2018 ADDITION). THE NEW PAVEMENT HAS RESULTED IN A REVISION TO THE ORIGINAL DRAINAGE DESIGN AND GRADING PLAN.

Kristin Savard at Advanced Design Group, along with Edward Patnode and Dave Baumler of Advanced Thermal Solutions presented the amended plan. Approximately 11,000 sq. ft. of impervious surface along the north side of the building. An updated SEQR, site plan, drainage and PIP permit need to be obtained. Less than one acre of land will be disturbed. SEQR and Amended Site Plan review will be done at the September 16, 2020 Planning Board meeting. Issues in Matt Fischione’s, Code Enforcement Officer, comment letter need to be addressed.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the Amended Site Plan until the 9/16/2020 Planning Board meeting. Motion seconded by Rebecca Anderson.

Roll call as follows:
Chairman Connelly-Yes
Rebecca Anderson-Yes
Anthony Gorski-Yes
Joseph Keefe-Yes
Stanley Jay Keysa III-Yes
Lawrence Korzeniewski-Yes
Kristin McCracken-Yes

Motion carried.
Planning Board Minutes
SEQR Review
August 19, 2020

The Planning Board held its meeting via Zoom on the 19th day of August 2020 at 7:14p.m. and there were

PRESENT:

REBECCA ANDERSON, PLANNING BOARD MEMBER
ANTHONY GORSKI, PLANNING BOARD MEMBER
JOSEPH KEEFE, PLANNING BOARD MEMBER
STANLEY JAY KEYSA III, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
KRISTIN MCCracken, PLANNING BOARD MEMBER
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

EXCUSED:

NONE

ALSO PRESENT:

DAVID MAZUR, TOWN COUNCILMAN
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
EMILY ORLANDO, DEPUTY TOWN ATTORNEY
CYNTHIA MACIEJEWSKI, RECORDING SECRETARY

PURPOSE OF MEETING:

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE LANCASTER PARKWAY COMMERCIAL 9 LANCASTER PARKWAY

The Planning Board reviewed the Short Environmental Assessment Form with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form entitled “Part 2 Impact Assessment” which was provided to each member.

PLEASE TAKE NOTICE, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an unlisted action, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.
NAME AND ADDRESS OF LEAD AGENCY

Lancaster Town Board
21 Central Avenue
Lancaster, New York 14086
Kevin Loftus, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 3 acres.

The location of the premises being reviewed is 9 Lancaster Parkway, Lancaster, New York 14086, Erie County.

This project described as a 11,400 sq. ft. high bay storage building with .97 acre physically disturbed area.

THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED BY MEMBER GORSKI, MOVED ITS ADOPTION, SECONDED BY MEMBER KEEFE,

TO WIT:

REASONS SUPPORTING RECOMMENDATION

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No impact.
2. Will the proposed action result in a change in the use or intensity of use of land? No impact
3. Will the proposed action impair the character or quality of the existing community? No impact
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No impact
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No impact
7. Will the proposed action impact existing:
   a. Public/private water supplies? No impact
b. Public/private wastewater treatment utilities? **No impact**

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact**

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **No impact.**

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**

11. Will the proposed action create a hazard to environmental resources or human health? **No impact**

and,

**BE IT FURTHER**

**RESOLVED,** that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

- REBECCA ANDERSON, PLANNING BOARD MEMBER VOTED YES
- ANTHONY GORSKI, PLANNING BOARD MEMBER VOTED YES
- JOSEPH KEEFE, PLANNING BOARD MEMBER VOTED YES
- STANLEY JAY KEYSIA III, PLANNING BOARD MEMBER VOTED YES
- LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER VOTED YES
- KRISTIN MCCrackEN, PLANNING BOARD MEMBER VOTED YES
- NEIL CONNELLY, PLANNING BOARD CHAIRMAN VOTED YES

The Motion to recommend was thereupon adopted.

August 19, 2020
SITE PLAN REVIEW - PROJECT #1856, LANCASTER PARKWAY COMMERCIAL DEVELOPMENT, 9 LANCASTER PARKWAY, S.B.L. #94.00-33.2. CONSTRUCTION OF 11,400 SQ FT. HIGH BAY STORAGE BUILDING UTILIZED FOR LEASE SPACE FOR SMALL COMMERCIAL BUSINESS. ADDITIONAL SITE IMPROVEMENTS INCLUDE SERVICE UTILITIES TO SERVE THE BUILDING AS WELL AS ASPHALT PAVEMENT AND STORM WATER MANAGEMENT INFRASTRUCTURE.

Mike Metzger, Metzger Civil Engineering, PLLC with Dr. Kolber, property owner, presented the amendments to the site plan. The amount of pavement on the west side of the property has been reduced and the landscape plan has been improved upon with additional native species. The applicant is in dire need to begin this project before the Army Corp. permit expires in September.

Paved lot and parking area - Paving the surface over the easement is not against code but the applicant has been asked to move the project over and off of the easement. There is still a possible parking deficiency and a general disregard for the Planning Board's suggestions. Fire Compliance permits will be used to access the parking requirement needs. Including additional parking would bring up the number for the area disturbed up and exceed the threshold. According to the EPA, the Town has the right to request water quality to be met. Some compromise for the location of the project was sought and the concerns need to be satisfied.

Pond - The pond installed for the industrial park does not meet the requirements for quality. A state permit can require quality to be addressed. The Wetland permit expires in September and the applicant does not want to have to start the process over.

Future building - By not moving the project over, a second phase of building is expected. The applicant stated that at this time there are no plans for an additional building.

Easement - Dr. Kolber feels that it is within his rights to pave over the easement and is willing to cover any costs incurred for restoration if the easement area is damaged or in need of maintenance. The applicant feels that by moving the project, it devalues the parcel.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the Site Plan until the 9/2/20 Planning Board meeting. Motion seconded by Kristin McCracken.

Roll call as follows:

Chairman Connelly - Yes  
Rebecca Anderson - Yes  
Anthony Gorski - Yes  
Joseph Keefe - Yes

Stanley Jay Keysa III - Yes  
Lawrence Korzeniewski - Yes  
Kristin McCracken - Yes

Motion carried.
REVIEW OF SUBDIVISION-PROJECT #3665, 3-LOT SPLIT, TOM FERRY LOCATED AT 272 NICHTER ROAD.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to recommend the approval of the 3-lot minor subdivision at 272 Nichter Rd. with the following conditions:

1. The third lot fronting on Pavement Rd. cannot be developed until all issues, including but not limited to sight lines and vehicular safety, be resolved as determined by the Town of Lancaster Code Enforcement Officer and/or the Town Engineer. Other requirements would be that drainage meet or exceed Town standards, and that the well that sits on that lot be deemed safe or otherwise dormant.

2. A deed restriction be placed on the third lot on Pavement Rd. and thusly recorded to reflect the condition above.

Discussion

Chuck Malcomb felt that this resolution with conditions would be legally binding. Generally developers would not need to come back for approval of a lot, once split. Therefore it was suggested that final recommendation for approval by the Planning Board be added to the first condition. Approval by the Planning Board will be added to the second condition of this approval. A deed restriction was discussed for the conditions of the approval. Lot #3 is on the subdivision plan as the lot exiting onto Pavement Road. Lots #1&2 will exit onto Nichter Road.

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to recommend the approval of the 3-lot minor subdivision at 272 Nichter Rd. with the following conditions:

1. The third lot fronting on Pavement Rd. cannot be developed until all issues, including but not limited to sight lines and vehicular safety, be resolved as determined by the Town of Lancaster Code Enforcement Officer and/or the Town Engineer. Other requirements would be that drainage meet or exceed Town standards, and that the well that sits on that lot be deemed safe or otherwise dormant. Final recommendation for approval of the development of the third lot will be made by the Planning Board.

2. A deed restriction be placed on the third lot on Pavement Rd. and thusly recorded to reflect the condition above.

Motion seconded by Stanley Jay Keysa III.

Roll call as follows:
Chairman Connelly-Yes
Rebecca Anderson-Yes
Anthony Gorski-No
Joseph Keefe-Yes

Stanley Jay Keysa III-Yes
Lawrence Korzeniewski-Yes
Kristin McCracken-No

Motion carried.
OTHER ITEMS DISCUSSED
The plan is to return to the Town Hall for the 9/2/20 Planning Board meeting. The Governor’s Executive Order for Social Distancing and Guidelines will be followed. Petitioners will enter one at a time.

The Public Hearing on the Zoning Code is scheduled for August 24, 2020 at 6p.m.

At 8:02 p.m. a motion was made by Kristin McCracken and seconded by Rebecca Anderson to adjourn the meeting. Motion carried.
Town of Lancaster
TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

MEMO

TO: Honorable Town Board
   Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: August 19, 2020

RE: Tom Ferry 3-lot subdivision

PROJECT #: 3665

LOCATION: 272 Nicter Road

TYPE: Subdivision

RECOMMENDATION: APPROVE
   Roll call vote:
   Chair Connelly-Yes   Stanley Jay Keysa III-Yes
   Rebecca Anderson-Yes  Lawrence Korzeniewski-Yes
   Anthony Gorski-No     Kristin McCracken-No

CONDITIONS:

   • The third lot fronting on Pavement Road cannot be developed until all
     issues, including but not limited to sight lines and vehicular safety, be
     resolved as determined by the Town of Lancaster Code Enforcement
     Officer and/or Town Engineer. Other requirements would be that
     drainage meet or exceed Town standards, and that the well that sits on
     that lot be deemed safe or otherwise dormant. Final recommendation
     for approval of the development of the third lot will be made by the
     Planning Board.

   • A deed restriction be placed on the third lot on Pavement Road and
     thusly recorded to reflect the condition above

CONCERNS: N/A