



# Town of Lancaster

TOWN PLANNING BOARD  
21 Central Avenue  
Lancaster, New York 14086

December 15, 2021

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
Anthony Gorski  
Joseph Keefe  
Stanley Jay Keysa III  
Lawrence Korzeniewski

Town Board Members:

Ronald Ruffino, Sr., Supervisor  
Adam Dickman  
Robert Leary  
David Mazur  
Mike Wozniak

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 December 15, 2021. 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,

A handwritten signature in cursive script that reads "Neil R. Connelly".

Neil R. Connelly  
Planning Board Chairman

NRC:cm  
Encl.

**RECEIVED**

DEC 22 2021

TOWN OF LANCASTER  
BUILDING DEPARTMENT

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 15<sup>th</sup> day of December 2021 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

**EXCUSED:** Councilman Mike Wozniak

**ABSENT:** None

**ALSO PRESENT:** None

**Town Board Members:** Councilman Dave 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 7:00p.m.

Pledge of Allegiance led by Secretary Cyndi Maciejewski

**Roll Call of Planning Board Members**

Chairman Connelly-Present

Rebecca Anderson-Present

Anthony Gorski-Present

Stanley Jay Keysa III-Present

Lawrence Korzeniewski-Present

Joseph Keefe-Present

Minutes-A motion was made by Lawrence Korzeniewski to approve the minutes from the December 1, 2021 Planning Board Meeting. Motion seconded by Joseph Keefe and unanimously carried.

There is a training Webinar available on January 4, 2022 from 5-7p.m.

The Harassment Prevention Attestations are due by 12/31/21.

**TOWN OF LANCASTER PLANNING BOARD**  
**COMMUNICATIONS FOR DECEMBER 15, 2021**

- 12.15.01** Letter dated 11/30/21 from Matt Fischione with comments regarding the proposed Shop and Storage at 5841 Genesee St.
- 12.15.02** Memos dated 12/02/21 from Michelle Barbaro, Park Crew Chief, indicating no issues with the Shop and Storage at 5841 Genesee St. or the Adam's Farm storage building.
- 12.15.03** Letter dated 12/09/21 from Matt Fischione, Code Enforcement Officer, noting his receipt of documents for the Cheektowaga project at 6386 Transit Rd., available for Planning Board review and possible comments.
- 12.15.04** Letter dated 12/07/21 from Ed Schiller, Town Engineer, with comments regarding the proposed Shop & Storage, 5841 Genesee St.
- 12.15.05** Letter dated 12/07/21 from Ed Schiller, Town Engineer, with comments regarding the Fieldstream Subdivision preliminary submittal.
- 12.15.06** Letter dated 12/07/21 from Ed Schiller, Town Engineer, with comments regarding the site plan for Anderson's Drive Thru.
- 12.15.07** Resolution adopted by Town Board on 12/06/21 appointing Lawrence Korzeniewski as a member of the Planning Board filling the term of Kristin McCracken, effective 12/07/21 and expiring 12/31/23.
- 12.15.08** Copy of resolution adopted by the Town Board on 12/06/21 approving the Pavement Rd. Storage Facility located at Pavement Rd. at Pleasant View Dr., with four conditions.
- 12.15.09** Memos dated 12/03/21 from Dan Amatura, Highway Superintendent, indicating no comment regarding the Adam's Farm Storage Building and the proposed Shop & Storage.
- 12.15.10** Notice of Public Hearing to be held on 12/20/21 at 7:15 P.M. for a Special Use Permit at Salvatore's Italian Restaurant for the operation of outdoor dining.
- 12.15.11** Notice of Public Hearing to be held on 12/20/21 at 7:15 P.M. for a Special Use Permit at 20 Lancaster Parkway, O'Connell Electric.

- 12.15.12 Letter dated 12/07/21 from Matt Fischione, Code Enforcement Officer, with comments regarding Anderson's Frozen Custard, 4855 Transit Rd., which requires a Special Use Permit for a drive through.
- 12.15.13 Copy of resolution adopted by the Town Board on 12/06/21 amending the Town Code regarding raising of livestock and poultry, to clarify any ambiguities.
- 12.15.14 Letter dated 12/07/21 from Matt Fischione, Code Enforcement Officer, with comments regarding the project at 4855 Transit Rd.
- 12.15.15 Letter dated 12/01/21 from the Lancaster Police Department indication no objection to the proposed Shop & Storage on Genesee St.
- 12.15.16 Notice of SEQR to be held 12/15/21 for O'Connell Electric.
- 12.15.17 Letter dated 12/08/21 from Ed Schiller, Town Engineer, with comments regarding National Grid, Cemetery Rd.
- 12.15.18 SEQR response dated 12/07/21 from the Erie County DPW regarding the proposed rezone at 338 Harris Hill Rd.
- 12.15.19 SEQR response dated 12/06/21 from the NYS DOT regarding Salvatore's Restaurant patio.
- 12.15.20 SEQR response dated 12/06/21 from the NYS DOT regarding Buffalo Tournament Club.
- 12.15.21 Copy of minutes from the ZBA meeting of 12/09/21.
- 12.15.22 SEQR response dated 12/06/21 from Erie County Dept. of Health regarding rezone at 338 Harris Hill Road.
- 12.15.23 SEQR response dated 12/13/21 from NYS DOT regarding Adam's Nursery site plan amendment.
- 12.15.24 SEQR response dated 12/14/21 from NYS DOT regarding Anderson's site plan amendment.

**Planning Board Minutes**  
**SEQR Review**  
**December 15, 2021**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15<sup>th</sup> day of December 2021 at 7:04p.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  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

EXCUSED: MIKE WOZNIAK, TOWN COUNCILMAN

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  
**O'CONNELL ELECTRIC COMPANY**  
**20 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 5.88 approximate acres.

The location of the premises being reviewed is 20 Lancaster Parkway, Lancaster, New York 14086, Erie County.

This project described as a parking lot expansion and fencing with 1.81 acre physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED BY MEMBER KEYSA, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER KORZENIEWSKI,**

**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 KEYSA III, PLANNING BOARD MEMBER	VOTED YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	VOTED YES
NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED YES

The Motion to recommend was thereupon adopted.

December 15, 2021



**AMENDED SITE PLAN REVIEW- PROJECT #2135, ANDERSON'S FROZEN CUSTARD, S.B.L. #126.05-1-1.2, LOCATED AT 4855 TRANSIT ROAD. INTERIOR RENOVATION OF THE EXISTING RESTAURANT, ADDITION OF A DRIVE-THRU LANE, MODIFICATION OF EXISTING OUTDOOR PATIO SPACE WHICH WILL BE PARTIALLY COVERED AND THE MODIFICATION OF THEIR EXISTING PARKING LOT IN ORDER TO ACCOMMODATE ALL WORK PROPOSED. THIS WILL ALLOW THE EXISTING RESTAURANT TO EXPAND THEIR EXISTING BUSINESS OPERATION AND BETTER SERVE THEIR CUSTOMERS IN THE COMMUNITY.**

Dave Sutton of Sutton Architects and Keith Anderson, owner presented the renovation to the interior and exterior of the building. The exterior will have a drive-thru added and the patio seating will be relocated with additional seating. A Special Use Permit has been applied for and has been reviewed with comments forwarded to the Town Board.

**Landscaping** – No green space will be removed with the revisions. Original landscape plan will be reviewed and any items that were removed over time will be replaced with a native species of tree and additional trees are planned for.

**Drive thru** - The pickup window is on the south side and the current traffic flow will not be impacted. The stacking provided will have no impact on Transit Road.

**Parking** – With the adjustment to seating, additional parking spaces may need to be provided. A variance may need to be applied for. There will be no additional impervious surface.

**Sidewalk** – There is a relatively large drop off to the street that would make it difficult for an ADA walkway to be installed. There are two possibilities of how to accomplish an ADA compliant walkway. The logical choice is to connect to Michael Anthony Lane. A crossover of the drive thru lane toward Michael Anthony with a guardrail for safety was discussed. The crosswalk needs to be delineated with striping and signage.

**SEQR** - This is an unlisted action and SEQR coordination letters were sent out on 12/10/21.

**Engineering** – The grading of the site will remain unchanged and the existing catch basin will stay as is with no additional catch basins installed. Green infrastructure gardens were suggested.

#### **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project. Motion seconded by Rebecca Anderson.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

Anthony Gorski-Yes

Joseph Keefe-Yes

**Motion carried.**

**SITE PLAN REVIEW – PROJECT #2131, NATIONAL GRID EMERGENCY RESPONSE FACILITY, S.B.L. #105.00-2-27, LOCATED AT 295 CEMETERY ROAD. 55,000 SQ FT SINGLE STORY PRE-ENGINEERED METAL BUILDING ASPHALT PAVEMENT, STONE OUTSIDE STORAGE AREA, SITE LIGHTING & LANDSCAPING ON VACANT PROPERTY. DEVELOPMENT INCLUDES PRIVATE FIRE-SERVICE, SURFACE PARKING LOT, AND DRAINAGE IMPROVEMENTS.**

Andrew Marino of Tredo Engineers, along with Tom Barret and Chris Streng of Kulbacks Construction recapped the project. The size of the storage yard has been reduced to avoid the wetlands. The drainage calculations have been corrected and show a reserved capacity. Approval letters are needed from Erie County Sewer, Erie County Water Authority and Erie County Public Works.

The gravel driveway has been installed and there is no fuel stored on site. The Army Corp of Engineers has granted approval. The Storm water agreement is waiting for the S.B.L. number to be assigned and that is in the works.

**DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Stanley Keysa to recommend approval of the project to the Town Board with two conditions:

1. Approval letters needed from Erie County Sewer, Erie County Water Authority and Erie County Public Works
2. Submittal of Storm water Agreement

Motion seconded by Joseph Keefe.

Roll call as follows:

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

Stanley Jay Keysa III-Yes  
Lawrence Korzeniewski-Yes  
Joseph Keefe-Yes

**Motion carried.**

**CONCEPT PLAN – 5480 GENESEE STREET**

Mike Metzger of Metzger Civil Engineering, PLLC along with Dr. Bernie Kolber, owner addressed the Board regarding a rezone of the land from GB-General Business to LI-Light Industrial. The reason for the rezone is to build a private, self-storage facility. This would be an upscale climate controlled facility located next to Giorgio Limo and single family dwellings. The exterior of the building would have a brick front similar to a business park. There will be no outdoor storage and the site would be heavily landscaped.

Items such as fencing, landscaping, snow storage and emergency access have not been addressed at this time. Flooding is an issue in this area and under FEMA this is a massive flood plain. The topo map shows the property 6" below the base flood elevation. A letter of map revision could be sought to try to remove the parcel from the flood plain.

Alternate uses for this parcel within the current zoning were explored. Storage is at a premium in Lancaster and the applicant feels that this would be an advantage to the Town.

**DISCUSSION – PROJECT #4817, DELTA SONIC, S.B.L. #126.01-1-6. TOWN TO RELEASE THE PERFORMANCE BONDS.**

The traffic signal is not yet installed, so there is hesitation to return the performance bond. The delay in the signal installation is with the DOT. The petitioner needs to pressure the DOT for installation of the signal and may find out that the delay is due to a shortage of utility poles. Benderson is paying for the traffic signal and possibly has already paid for the installation. This signal was a large piece of the approval of the plan.

**OTHER ITEMS DISCUSSED:**

Member Anderson has been working on the Environmental Resource Protection Overlay District's (ERPOD). These include Woodland Protection, Wetlands, Steep Slope and Forested Areas. The entire town could be an ERPOD minus some developed areas. It is unclear how we show this on a map. An ERPOD puts the responsibility onto the developer. The south east corner of town is heavily covered by streams and tributaries. Further identification would be helpful along with the current study occurring. This is a proactive action.

There is an interesting article in the Town Magazine regarding the value of subdivisions.

There is an editorial that was forwarded by Matt Fischione, CEO regarding mixed use storage facilities.

Siebert Road Subdivision received a positive declaration and needs to respond to scoping to the town.

Brunck Road Subdivision received a positive declaration and is through the scoping process.

Division Street Subdivision did receive communication in November regarding the road extension and that engineered drawings are needed.

Bradley Street has a dead end that ends with a lot of record and needs to come before the Planning Board.

4781 Transit Road had the public hearing at the Town Board meeting and only the attorney for the applicant and the attorney for the neighboring property owner spoke. The northern driveway would be removed from 4781 Transit Road and the signalized entry to the south, used by patrons.

PDR – no progress on property purchases.

Chair Connelly made a motion to adjourn the meeting at 8:22p.m., seconded by Rebecca Anderson. Motion carried.