

Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

November 2, 2022

Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
John Copas
Anthony Gorski
Joseph Keefe
Lawrence Korzeniewski
Michael Reinhold

Town Board Members:

Ronald Ruffino, Sr., Supervisor
Mark Burkard
Adam Dickman
Robert Leary
David Mazur

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Thomas Fowler, Jr.

Town Highway Superintendent:

John Pilato

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 November 2, 2022. 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 at Town Hall, 21 Central Avenue, Lancaster, NY, on the 2nd day of November 2022 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
Rebecca Anderson, Member
John Copas, Member
Anthony Gorski, Member
Joseph Keefe, Member
Lawrence Korzeniewski, Member

EXCUSED: Michael Reinhold, Member

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, Secretary

Chair Connelly made a motion to adopt the 2023 Planning Board Schedule. Seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Excused

Anthony Gorski-Yes

Motion carried.

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Roll Call of Planning Board Members

Chairman Connelly-Present

Joseph Keefe-Present

Rebecca Anderson-Present

Lawrence Korzeniewski-Present

John Copas-Present

Michael Reinhold-Excused

Anthony Gorski-Present

Minutes-A motion was made by Joseph Keefe to approve the minutes from the October 17, 2022 Special Planning Board Meeting. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Excused

Anthony Gorski-Yes

Motion carried.

Minutes-A motion was made by Rebecca Anderson to approve the minutes from the October 19, 2022 Planning Board Meeting with corrections to typos and removal of underground referring to storage in Stony Road Subdivision. Motion seconded by John Copas.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Excused

Anthony Gorski-Yes

Motion carried.

**TOWN OF LANCASTER PLANNING BOARD
COMMUNICATIONS - NOVEMBER 2, 2022**

- 11.02.01 Letter dated 10/26/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 5680 Broadway.
- 11.02.02 Letter dated 10/26/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 4855 Transit Rd., Anderson's Frozen Custard.
- 11.02.03 Letter dated 10/27/22 from Matt Fischione, Code Enforcement Officer, with comments regarding proposed rezone and site plan for 6218 Broadway.
- 11.02.04 Email dated 10/31/22 from Leza Braun of the Town Attorney's Office, outlining

the rezone process in the Town of Lancaster.

- 11.02.05 SEQR responses dated 10/03/22, 10/19/22, and 10/24/22 from the Erie County Departments of Sewerage Management, Public Works, and Environment and Planning, respectively, regarding the amended site plan for the Angry Buffalo.
- 11.02.06 Letter dated 11/01/22 from Matt Fischione, Code Enforcement Officer, with comments regarding the 2nd revised preliminary plat for the proposed Fieldstream Subdivision.
- 11.02.07 Letter dated 10/26/22 from Ed Schiller, Town Engineer, with comments regarding 5077 Transit Rd., Basil.
- 11.02.08 Letter dated 10/26/22 from Ed Schiller, Town Engineer, with comments regarding 6218 Broadway.
- 11.02.09 Letter dated 10/26/22 from Ed Schiller, Town Engineer, with comments regarding 5680 Broadway.
- 11.02.10 Copy of resolution adopted by the Town Board on 10/17/22 approving the minor subdivision at 5550 William St.
- 11.02.11 Notice of Public Hearing to be held on 11/07/22 for a Special Use Permit to operate a 13 unit storage building with office and 4 warehouse/shop/office buildings at 5841 Genesee St.
- 11.02.12 Notice of Public Hearing to be held on 11/07/22 for a Special Use Permit to operate a custom cabinet and countertop manufacturing, storage and retail facility at 4401 Walden Ave.
- 11.02.13 Notice of Public Hearing to be held on 11/07/22 for the rezone at 5827 Broadway.
- 11.02.14 Letter dated 10/17/22 from Matt Fischione, Code Enforcement Officer, with comments regarding the site plan amendment for Basil Car Storage Building, 5077 Transit Rd.
- 11.02.15 Memos dated 10/31/22 from Michelle Barbaro, Deputy Highway Superintendent, indicating no issues with Basil Car Storage and 6218 Broadway.

Planning Board Minutes
SEQR Review
November 2, 2022

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 2nd day of November 2022 at 7:03p.m. and there were

PRESENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN COPAS, PLANNING BOARD MEMBER
ANTHONY GORSKI, PLANNING BOARD MEMBER
JOSEPH KEEFE, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

EXCUSED: MICHAEL REINHOLD, PLANNING BOARD MEMBER

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
2 LOT SPLIT (WILKINSON) S.B.L. #94.00-3-34
10 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
Thomas Fowler Jr., Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed 2 lot split is of a parcel involving approximately 4.13 acres.

The location of the premises being reviewed is 10 Lancaster Parkway, Lancaster, New York 14086, Erie County.

This project described as a 2 lot split with 0.0 acre physically disturbed area.

THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED BY MEMBER KEEFE, 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**
EAF noted that adjacent property was an architecturally sensitive site but that 10 Lancaster Parkway is not.
- 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
JOHN COPAS, PLANNING BOARD MEMBER	VOTED YES
ANTHONY GORSKI, PLANNING BOARD MEMBER	VOTED YES
JOSEPH KEEFE, PLANNING BOARD MEMBER	VOTED YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	VOTED YES
MICHAEL REINHOLD, PLANNING BOARD MEMBER	EXCUSED
NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED YES

The Motion to recommend was thereupon adopted.

November 2, 2022

PRELIMINARY PLAT PLAN REVIEW – PROJECT #3773, 2 LOT SUBDIVISION (WILKINSON), S.B.L. #94.00-3-34, LOCATED AT 10 LANCASTER PARKWAY. SPLIT EXISTING 4.13 ACRE PARCEL (ZONED LIGHT INDUSTRIAL (LI) INTO TWO LOTS EACH IN CONFORMANCE WITH ZONING REQUIREMENTS FOR LOTS WITHIN THE LI ZONING CLASSIFICATION.

Jeffrey Palumbo recapped the project and stated that the Certificate of Occupancy questions have been answered and satisfied. The public hearing was conducted by the Planning Board on 9/7/22. No variances were needed.

DETERMINATION

A motion was made by Lawrence Korzeniewski to recommend the approval of the 2 lot Wilkinson Subdivision to the Town Board. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Excused

Anthony Gorski-Yes

Motion carried.

AMENDED SITE PLAN REVIEW – PROJECT #2031, BASIL CAR STORAGE BUILDING, S.B.L. #115.09-1-27, LOCATED AT 5077 TRANSIT ROAD. CONSTRUCTION OF A 15,000 SQ FT VEHICLE STORAGE BUILDING AND AN ADDITIONAL FIFTEEN (15) PARKING SPACES. DEVELOPMENT WILL ALSO INCLUDE THE DEMOLITION OF ONE EXISTING BUILDING LOCATED ON THE PROJECT SITE. GC ZONING – GENERAL COMMERCIAL.

Anthony Pandolfe of Carmina Wood Design presented the project that will provide a spruced up storage building and showroom for the classic car business. Less than 1 acre of land will be disturbed and 15 parking spaces will be added. The majority of the parcel is currently paved and some asphalt will be removed to provide landscaping. The dormers for the building are decoration only. Paul Bliss clarified that there will be no mechanic work or lifts in this building. This is strictly a showroom for sales and provides a safe and dry display space for the classic vehicles. This parcel does have two driveways which will be used for vehicle deliveries and a driveway on the adjacent parcel to the south could be removed. There was a parts building addition approved pre COVID and now constructed post COVID. SEQR has not been coordinated at this time. To the north of this property is a residence and the removal of the driveway does not affect the cross connect to the north and south.

DETERMINATION

A motion was made by Chair Connelly to table the project to a future Planning Board meeting with three items to be worked on:

1. Draft an agreement to combine the cross access
2. Amend the Special Use Permit to allow for the display and sale of classic cars
3. Eliminate the driveway on the property to the south

Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Yes

Anthony Gorski-Yes

Joseph Keefe-Yes

Lawrence Korzeniewski-Yes

Michael Reinhold-Excused

Motion carried.

AMENDED SITE PLAN REVIEW – PROJECT #2135, ANDERSON’S FROZEN CUSTARD, LOCATED AT 4855 TRANSIT ROAD. AMENDED REVISIONS WITH A PARKING AGREEMENT. UPDATED PARKING SPACE REQUIREMENTS.

Keith Anderson, owner of Anderson’s Frozen Custard presented the project that provides for a drive-thru. Additional parking was needed and a parking agreement with Valu Home Centers for overflow parking has been submitted. The additional spaces are closest to the store. The drive-thru will eliminate the need for some parking. The landscape plan includes replacement of trees that have been lost over the years. 6” curbing to prevent a vehicle jumping the curb was discussed or the use of pylons in the railing system for outside dining area. A copy of the parking agreement was submitted. The public hearing was conducted and Negative Declaration was issued for SEQR.

DETERMINATION

A motion was made by Anthony Gorski to recommend the approval of the amended site plan to the Town Board with one condition:

1. The Special Use Permit will be altered to accommodate the outside dining and drive thru

Motion seconded by John Copas.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Yes

Anthony Gorski-Yes

Joseph Keefe-Yes

Lawrence Korzeniewski-Yes

Michael Reinhold-Excused

Motion carried.

Other items discussed

Fieldstream Subdivision has had revised drawings submitted but they are not yet reviewed. The SEQR is not completed but there are no variances needed.

Instead of forming a committee to review the RV code, there will be a work session scheduled for 11/16/22 at 6p.m. that will allow for public input.

Jill Jedlicka, of the Buffalo Niagara Waterkeepers will be a guest presenter on 12/7/22 before the Planning Board meeting. Credit for 1 hour of training will be requested of the Town Board.

Matt Fischione, Code Enforcement Officer spent the day in a seminar regarding the Great Lakes Flood Plain.

Ed Schiller discussed the proposal of Thomas Fowler, Jr., Town Attorney and Councilman Robert Leary to prescreen Project applicants before they submit to the Town for Planning Board review. Projects such as the Forestview and Broadway/Bowen would have had the process

reviewed by the Town Board. The Planning Board needs to remain independent in the review process.

There is a Climate Change article in the Town and Topic magazine.

The Stony Road Subdivision needs adjustment regarding the lots impacted by flood plain or wetlands and could have benefited from Town Board review.

Motion made by Rebecca Anderson at 7:47p.m. and seconded by Joseph Keefe 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: November 2, 2022

RE: 2 Lot Subdivision (Wilkinson)

PROJECT #: 3773

LOCATION: 10 Lancaster Parkway

TYPE: Preliminary Plat Plan Review

RECOMMENDATION: APPROVE
Roll call vote:
Chair Connelly-Yes
Rebecca Anderson-Yes
John Copas-Yes
Anthony Gorski-Yes
Joseph Keefe-Yes
Lawrence Korzeniewski-Yes
Michael Reinhold-Excused

CONDITION: N/A

CONCERNS: N/A

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: November 2, 2022

RE: Anderson's Frozen Custard

PROJECT #: 2135

LOCATION: 4855 Transit Road

TYPE: Amended Site Plan Review

RECOMMENDATION: APPROVE
Roll call vote:
Chair Connelly-Yes
Rebecca Anderson-Yes
John Copas-Yes
Anthony Gorski-Yes
Joseph Keefe-Yes
Lawrence Korzeniewski-Yes
Michael Reinhold-Excused

CONDITION: 1. The Special Use Permit will be altered to accommodate the outside dining and drive thru

CONCERNS: N/A