

Town Board Minutes

May 2, 2022

Meeting No. 9

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 2nd day of May 2022 at 7:00 P.M. and there were

PRESENT: MARK BURKARD, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: ADAM DICKMAN, COUNCIL MEMBER

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
THOMAS FOWLER, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT
JOHN PILATO, HIGHWAY SUPERINTENDENT
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 8:26 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER MAZUR for the purpose of entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and collective bargaining negotiations per Article 14 of Civil Service Law.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 9:54 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER LEARY, to close the Executive Session.

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

PERSONS ADDRESSING TOWN BOARD:

Blanchard, Jerry, representing Lee Chowaniec, spoke to the Town Board on the following matter:

- Comments and questions about the Dog Control facility report and applying for additional grants.

Sinner, Jim, Lancaster Bee Newspaper, spoke to the Town Board on the following matters:

- Questions regarding the Dish telecommunication tower co-location.
- Questions about police contract negotiations
- Asked about flooding in the northern part of the town.
- Questions about the 338 Harris Hill rezone.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: Special Use Permit –
Telecommunication Tower Co-Location Mohawk Place

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER LEARY AND CARRIED, the public hearing was opened.

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a special Use Permit – Telecommunication Tower Co-Location at Mohawk
Place matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
Don Carpenter, Dish Wireless	Proponent

ON MOTION BY COUNCIL MEMBER BURKARD, SECONDED BY
COUNCIL MEMBER LEARY AND CARRIED, the public hearing was closed at 7:33 P.M.

Decision on this matter was reserved.

May 2, 2022

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
April 18, 2022 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Assistant to the Supervisor, to wit:

Check Run #05022022

Total amount hereby authorized to be paid: \$969,061.72

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER MAZUR WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER BURKARD, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE
		Village		
33216		Catherin Krezic	569 Harris Hill Rd	Er. Deck
33909		Precious Cargo Plant Shop	11 W Main St	Er. Comm.Add./Alt.(V/L)
33969		Gary Schmelzer	51 Hemlock Ln	Er. Fence
33987		Michael Kraus	39 Deepwood Pl	Er. Shed
33990		Dalex Construction Inc.	45 W Home Rd	Re-Roof
33993		A Best Inc.	27 Sherborne Ave	Re-Roof (V/L)
34005		Buffalo's Best Roofing	41 Avian Way	Re-Roof
34007		Mason Wireless Solutions, LTD	5393 William St	Cell Tower - Alteration
34012		Quinton Cusimano	725 Aurora St	Er. Fence
34013		Christopher Neth	56 Hidden Meadow Cros	Er. Res. Alt.
34014		Luther Enterprises	24 Ravenwood Dr	Er. Pool-In Grnd
34015		Connie Borucki	19 Waltham Ave	Er. Res. Alt.
34016		John Dopierala	41 Rose St	Er. Pool-Abv Grnd
34017		Ford Fence LLC	4 Via Tripodi	Er. Fence
34018		Colley's Pool Sales Inc.	1424 Townline Rd	Er. Fence
34019		Colley's Pool Sales Inc.	1424 Townline Rd	Er. Pool-In Grnd
34020		Naples Roofing	6497 Transit Rd	Re-Roof
34021		Bernard Sheffer	251 Lake Ave	Dem. Garage (V/L)
34022		Jeffrey Persuttii	14 Magrum Ln	Er. Fence
34023		Vincent Giamberdino, III	8 C St	Er. Res. Alt.
34024		Hurricane home Solutions Inc.	65 Michael Anthony Ln	Inst. Generator
34025		Gary Gallagher	5 Butler Dr	Er. Pool-Abv Grnd
34026		James Bowman	195 Nathan's Trl	Er. Fence
34027		Zenner & Ritter Co. Inc.	4 Gailenwood Ln	Inst. Generator
34028		Armor Fence Co. of WNY Inc.	12 Summerfield Dr	Er. Fence
34029		Schuster Construction LLC	8 Foxwood Row	Er. Res. Alt.
34030		Majestic Pools Inc.	88 Avian Way	Er. Pool-In Grnd
34031		Majestic Pools Inc.	88 Avian Way	Er. Fence
34032		Pamoja Properties LLC	208 Central Ave	Er. Res. Alt. (V/L)
34033		Iroquois Fence Inc.	126 Siebert Rd	Er. Fence
34034		Amy Jaworski	51 Rose St	Er. Fence
34035		Parco Building Systems, Inc.	268 Hall Rd	Er. Pole Barn
34036		LJ Construction WNY LLC	60 Fairfield Ave	Re-Roof (V/L)
34037		LJ Construction WNY LLC	22 Grafton Ct	Re-Roof
34038		Buscaglia Decks	17 Sedge Run	Er. Deck
34039		Matthew Schiavone	550 Pavement Rd	Er. Shed
34040		Premier Signs Systems LLC	6 Lancaster Pkwy	Er. Sign - Wall
34041		Beverly Polanski	52 Waltham Ave	Er. Fence (V/L)
34042		Scott Dalton	3 Stream View Ln	Er. Porch/Porch Cover
34043		Neth & Son Inc.	9 Ann Marie Dr	Re-Roof
34044		RCG Windows & Doors LLC	27 Rose St	Er. Deck
34045		Buffalo's Best Roofing	23 Tanglewood Dr	Re-Roof
34046		Eric Larsen	36 Eastwood Pky	Er. Res. Alt.
34047		Jason Fuller	1 Pinetree Dr	Er. Fence
34048		Matthew Meadows	13 Northfield Ln	Er. Shed
34050		Richard Guerra	445 Lake Ave	Er. Pool-Abv Grnd
34051		Eric Senko	4 Gailenwood Ln	Er. Shed
34052		Jenna McAuley	581 Aurora St	Er. Fence
34053		Sherry Wagner	4 Signal Dr	Er. Fence

34054	Mandesa Powell	50 Parkview Ct	Er. Fence	(V/L)
34055	PMJ Construction, LLC	6623 Transit Rd	Er. Comm. Add./Alt.	
34056	Eric Sweitzer	110 Aurora St	Er. Shed	(V/L)
34057	Crist Construction	6 Westbury Ln	Er. Deck	
34058	All Square Roofing	64 Doris Ave	Re-Roof	(V/L)
34059	Joseph Hill	521 Erie St	Er. Deck	
34060	Sturm Roofing LLC	28 Kennedy Ct	Re-Roof	
34061	Michael Lawndus	14 Woodgate Dr	Er. Pool-Abv Grnd	
34062	Daniel Graffam	27 Pear Tree Ln	Er. Shed	
34063	Heritage Home Improve.of WNY	43 Newell Ave	Er. Res. Alt.	(V/L)
34064	David Pyc	4 Running Brook Dr	Er. Fence	
34065	The Pool Guy	211 Lake Ave	Er. Pool-Abv Grnd	(V/L)
34066	Castle Home Improvements	276 Seneca Pl	Re-Roof	
34067	Castle Home Improvements	24-26 Broezel Ave	Re-Roof	(V/L)
34068	Richard Guerra	445 Lake Ave	Er. Shed	
34069	Anna Messinger	60 Trentwood Trl N	Er. Fence	
34070	Michael Klaffka	4B St Anthony St	Er. Shed	
34071	Gordon Craig	8 Highland Pl	Dumpster - Temp.	(V/L)
34072	CGL Contracting, LLC	22 Red Clover Ln	Re-Roof	
34073	Sahlems Roofing & Siding Inc.	16 Wildwood Dr	Re-Roof	(V/L)
34074	Sahlems Roofing & Siding Inc.	31 Newell Ave	Re-Roof	(V/L)
34075	Lawrence Bauer	10 Grace Way	Er. Res. Alt.	

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Town of Lancaster is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and

WHEREAS, “Safety for All: Building Codes in Action,” the theme for Building Safety Month 2022, encourages us all to raise awareness about planning for safe and sustainable construction; career opportunities in building safety; understanding disaster mitigation, energy conservation; and creating a safe and abundant water supply to all of our benefit, and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town Lancaster does hereby proclaim the month of May 2022 as Building Safety Month and authorizes the Town Supervisor to execute the Building Safety Proclamation, and encourages the citizens to join with their communities in participation in Building Safety Month activities.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR RUFFINO, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, Jeremy A. Colby, Town Justice for the Town of Lancaster, by letter dated April 14, 2022, has recommended the appointment of the following individual to the position of Court Officer part-time provisional in the Town Justice Court Department of the Town of Lancaster; and

WHEREAS, the following individual qualifies for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the position of Court Officer part-time provisional in the Town Justice Court Department in the Town of Lancaster, contingent upon approval by Erie County Department of Personnel, working not more than nineteen and three-quarter hours per week and that these being part-time positions, provide no health insurance, sick days, vacation, or other fringe benefits not specifically mandated for part-time employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Marc Adamberger Lancaster, NY	Court Officer	\$19.10	May 2, 2022

BE IT FURTHER,

RESOLVED, that when Mr. Adamberger is called upon to serve as Court Officers, they shall receive a minimum of three (3) hours pay, or pay for the actual number of hours worked, whichever is greater, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled “**FLOOD DAMAGE PREVENTION REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Dickman on the 4th day of April, 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on April 18, 2022, where all interested parties were allowed to address the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. The attached Local Law **No. 3 of 2022** is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHART	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 3 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on May 2, 2022, Local Law No. 3 of the Year 2022, which amends the Town of Lancaster Town Code by repealing in its entirety the current Chapter 182 Flood Damage Prevention and replacing it in its entirety with a newly revised Chapter 182 Flood Damage Prevention in order to comply with New York State requirements. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

May 5, 2022

**Town of Lancaster
Local Law No. 3 of 2022**

A Local Law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36.

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: Chapter 182, Flood Damage Prevention, of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town of Lancaster Town Code is hereby amended to add Chapter 182 Flood Damage Prevention to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

Chapter 182. Flood Damage Prevention

Article I. Statutory Authorization and Purpose

§ 182-1 FINDINGS

The Town Board of the Town of Lancaster finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Lancaster and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

§ 182-1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities, and
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction, and
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and
- (4) control filling, grading, dredging, and other development which may increase erosion or flood damages, and
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands, and
- (6) qualify for and maintain participation in the National Flood Insurance Program.

§ 182-1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health, and
- (2) to minimize expenditure of public money for costly flood control projects, and
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public, and

- (4) to minimize prolonged business interruptions, and
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard, and
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas, and
- (7) to provide that developers are notified that property is in an area of special flood hazards, and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Article II. Definitions

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meanings they have in common usage and to give this local law its most reasonable application.

Accessory Structure is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

Appeal means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

Area of shallow flooding means designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "100-year floodplain." For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building see "Structure".

Cellar has the same meaning as "Basement".

Crawl space means an enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

Critical facilities means:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials, and
- (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood, and

- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood, and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Cumulative Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building (i) built, on the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zone V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

Federal Emergency Management Agency means the federal agency that administers the National Flood Insurance Program.

Flood or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

Flood Boundary and Floodway Map (FBFM) means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along watercourses studied in detail in the Flood Insurance Study.

Flood Elevation Study means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study see "Flood Elevation Study."

Floodplain or **Flood-prone Area** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway has the same meaning as "Regulatory Floodway".

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior, or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

Local Administrator is the person appointed by the community to administer and implement this Local Law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or the other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile Home has the same meaning as "Manufactured Home".

New Construction means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

One-Hundred-Year Flood or "100-Year Flood" has the same meaning as "Base Flood".

Principally Above Ground means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

Recreational Vehicle means a vehicle which is:

- (1) built on a single chassis.
- (2) 400 square feet or less when measured at the largest horizontal projections.
- (3) designed to be self-propelled or permanently towable by a light-duty truck, and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 182-4.2 of this Local Law.

Start of Construction means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of a permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footing, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. Substantial improvement also means “cumulative substantial improvement.” The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a “Historic structure”, provided that the alteration will not preclude the structure's continued designation as a “Historic structure”.

Variance means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

Violation means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

Article III. General Provisions

§ 182-3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

§ 182-3.2 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the **Town of Lancaster, Community Number 360249** are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36029C0229H, 36029C0233H, 36029C0234H, 36029C0237H, 36029C0239H, 36029C0241H, 36029C0242H, 36029C0243H, 36029C0244H, 36029C0253H, 36029C0254H, 36029C0261H, 36029C0262H, 36029C0263H, 36029C0264H, 36029C0352H, 36029C0356H, 36029C0357H, 36029C0376H, 36029C0377H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York, (All Jurisdictions)" dated June 7, 2019.

(3) Letter of Map Revision (LOMR), Case No.: 20-02-1556P, effective May 17, 2022, revising FIRM panels: 36029C0241H & 36029C0242H, dated June 7, 2019.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:
Town of Lancaster Building and Zoning Department, 21 Central Avenue, Lancaster, NY.

§ 182-3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

§ 182-3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

§ 182-3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this Local Law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 182-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the areas of special flood

hazard or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made there under.

Article IV Administration

§ 182-4.1 DESIGNATION OF LOCAL ADMINISTRATOR

The Town of Lancaster Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this Local Law by granting or denying floodplain development permits in accordance with its provisions.

§ 182-4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

1. PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 182-3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

2. FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$300. In addition, the applicant shall be responsible for reimbursing the Town of Lancaster for any additional costs necessary for review, inspection, and approval of this project. The Local Administrator may require a deposit of not more than \$500 to cover these additional costs.

§ 182-4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate, Additional information may be required on the permit application form:

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved residential structure to be located in a special flood hazard area. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure to be located in Zones A1-A30, AE, or AH or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 182-5.2(3), UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in § 182-

5.4, NON-RESIDENTIAL STRUCTURES.

- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 182-3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 182-4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include but not be limited to the following:

1. PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of § 182-4.3, **APPLICATION FOR A PERMIT**, and for compliance with the provisions and standards of this Local Law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of **Article V, CONSTRUCTION STANDARDS** and, in particular, § 182-5.1(1), **SUBDIVISION PROPOSALS**.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of **Article V, CONSTRUCTION STANDARDS**, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

2. USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to § 182-4.3(7), as criteria for requiring that new

construction, substantial improvements or other proposed development meet the requirements of this Local Law.

- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this Local Law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in § 182-3.2, the Local Administrator may reasonably, utilize the other flood information to enforce more restrictive development standards.

3. ALTERATION OF WATERCOURSES

- (1) Notify adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. CONSTRUCTION STAGE

- (1) Zones, A1-A30, AE, and AH and also Zone A, if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

5. INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

6. STOP WORK ORDERS

- (1) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 182-3.5 of this Local Law.
- (2) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found non-compliant with the provisions of this Local Law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 182-3.5 of this Local Law.

7. CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in § **182-3.2**, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § **182-4.4(5)**, **INSPECTIONS**, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

8. INFORMATION TO BE RETAINED.

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance.
- (2) Certificates of as-built lowest floor elevations of structures required pursuant to § **182-4.4(4)(1) and (2)**, and whether or not the structures contain a basement.
- (3) Floodproofing certificates required pursuant to § **182-4.4(4)(1)** and whether or not the structures contain a basement.
- (4) Variances issued pursuant to **Article VI, VARIANCE PROCEDURES**, and
- (5) Notices required under § **182-4.4(3)**, **ALTERATION OF WATERCOURSES**.

Article V Construction Standards

§ 182-5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § **182-3.2**:

1. SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage, and
- (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage, and
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

2. ENCROACHMENTS.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or

(ii) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA

approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.

- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 182-3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) A technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or
 - (ii) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Lancaster shall as soon as practicable, but not later than six (6) months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.
- (4) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

§ 182-5.2 STANDARDS FOR ALL STRUCTURES.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 182-3.2.

1. ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

2. CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the follow-in minimum criteria:

- (i) A minimum of two (2) openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, and
- (ii) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade, and
- (iii) Openings shall not be less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

3. UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation where permitted or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall, and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. STORAGE TANKS.

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood, or
 - b. Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet.

§182-5.3 RESIDENTIAL STRUCTURES

1. ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 182-5.1(1) SUBDIVISION PROPOSALS, and § 182-5.1(2), ENCROACHMENTS, and §182-5.2, STANDARDS FOR ALL STRUCTURES as indicated:

- (1) Within Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two (2) feet above the base flood elevation.
- (2) Within Zone A, if the base flood elevation is not specified, a base flood elevation shall be determined by either of the following:

- a. Obtain and reasonably use data available from a federal, state or other source plus two (2) feet of freeboard, or
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices, plus freeboard. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practices. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet of freeboard, or not less than three (3) feet if a depth number is not specified.
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

§ 182-5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 182-5.1(1), **SUBDIVISION PROPOSALS**, and 5.1(2), **ENCROACHMENTS**, and § 182-5.2, **STANDARDS FOR ALL STRUCTURES**.

- (1) Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevations; or
 - (ii) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (i) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 182-5.4(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 182-5.4(1)(ii) including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 182-5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 182-5.1, **GENERAL STANDARDS**, and § 182-5.2, **STANDARDS FOR ALL STRUCTURES** apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) Be on site fewer than 180 consecutive days.
 - (ii) Be fully licensed and ready for highway use, or
 - (iii) Meet the requirements for manufactured homes in paragraphs § 182-5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH and Zone A shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 182-3.2 plus two feet (at least three feet if no depth number is specified).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with § 182-5.2(1), **ANCHORING**.

§ 182-5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 182-3.2.

- (1) Within Zones A1-A30, AE, AO, AH, and A, accessory structures must meet the standards of Section § 182-5.2(1), **ANCHORING**.
- (2) Within Zones A1-A30, AE, and AH, and also Zone A, if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters in accordance with § 182-5.2(2)(3).
- (5) Utilities must meet the requirements of § 182-5.2(3), **Utilities**.

§ 182-5.7 CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

Article VI Variance Procedures

§ 182-6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town Board of the Town of Lancaster shall hear and decide appeals and requests for variances from the requirements of this Local Law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Local Administrator in the enforcement or administration of this Local Law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and
 - (i) the danger that materials may be swept onto other lands to the injury of others, and
 - (ii) the danger to life and property due to flooding or erosion damage, and
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, and
 - (iv) the importance of the services provided by the proposed facility to the community, and
 - (v) the necessity to the facility of a waterfront location, where applicable, and
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage, and
 - (vii) the compatibility of the proposed use with existing and anticipated development, and
 - (viii) the relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area, and
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding, and
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and
 - (xii) the costs of providing governmental services during and after flood conditions including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of § 182-6.1(4) and the purposes of this Local Law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Local Law.
- (6) The Local Administrator shall maintain the records of all appeal actions, including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 182-6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in § 182-6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure", and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) The criteria of subparagraphs 1, 4, 5, and 6 of this Section are met, and
 - (ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) A showing of good and sufficient cause.
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (ii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - (ii) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in § 182-4.4(8) this Local Law.

Section 3: Severability. Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 4: Effective Date. This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) year of age or older, on a graduated scale based upon income, and

WHEREAS, Erie County has increased the income limit for persons who are sixty-five (65) years of age or older after the taxable status date, with a total income of not more than \$29,000 to a total income not exceeding \$37,400, and

WHEREAS, the increase in income eligibility for taxes will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Senior Citizens' Tax Exemption on April 18, 2022, where all interested parties were allowed to be heard, and

WHEREAS, the Town Board deems it in the public interest to adopt and enact said exemption from real property taxation on said graduated scale.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby adopts and authorizes enactment of the following Senior Citizen Tax Exemption:

SENIOR CITIZENS' TAX EXEMPTION

1. Exemption granted.

Real property owned by one (1) or more persons, each of whom is sixty-five (65) years of age or over, or real property owned jointly, and one of whom is sixty-five (65) years of age or over or who becomes sixty-five (65) years of age after the taxable status date, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$29,000	50 per centum
More than \$29,000 but Less than \$30,000	45 per centum
More than \$30,000 but Less than \$31,000	40 per centum
More than \$31,000 but Les than \$32,000	35 per centum
More than \$32,000 but Less than \$32,900	30 per centum
More than \$32,900 but Less than \$33,800	25 per centum
More than \$33,800 but Less than \$34,700	20 per centum
More than \$34,700 but Less than \$35,600	15 per centum

More than \$35,600 but
Less than \$36,500 10 per centum

More than \$36,500 but
Less than \$37,400 5 per centum

2. This resolution shall take effect immediately, and

BE IT FURTHER,
RESOLVED, that a Notice of the adoption of this Real Property Exemption for Senior Citizens shall be published in a newspaper of general circulation in the form attached hereto and made a part hereof

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BUKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

LEGAL NOTICE

TOWN OF LANCASTER

AMENDMENT ADOPTION OF

SENIOR CITIZENS TAX EXEMPTION

LEGAL NOTICE IS HEREBY GIVEN, in accordance with § 467 of the Real Property Tax Law of the State of New York, the Town Board of the Town of Lancaster, at its meeting on the 2nd day of May 2022, adopted and enacted the Erie County income limit for a partial exemption from Real Property taxation for persons sixty-five (65) years of age and older on a graduated scale.

Copies of the adopted resolution can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours and at <https://www.lancasterny.gov>

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

May 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Chief William J. Karn, Jr. of the Town of Lancaster Police Department, by letter dated April 21, 2022, has requested authorization for four (4) members of the Lancaster Police Department to attend the 2022 NY Tactical Officers Association Training Conference in Verona, New York from April 25-29, 2022.

NOW, THEREFORE,

BE IT RESOLVED, that Lieutenant Andrew Speyer, Officer Brett Carcaci, Officer Phil Carcaci and Officer Adam Szwartz of the Town of Lancaster Police Department, are hereby authorized to attend the 2022 NY Tactical Officers Association Training Conference in Verona, New York from April 25-29, 2022.

BE IT FURTHER,

RESOLVED, that the cost of the training conference for four (4) officers at the above mentioned training course is \$349.99/person, the estimated cost of lodging is \$1456.00, estimated cost of meals and gas is \$600.00 and is hereby authorized in an amount not-to-exceed \$3456.00 for actual and necessary expenses, for five (5) days on the specified dates of training, and

BE IT FURTHER,

RESOLVED, that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, by letter dated April 20, 2022, Patrol Captain Marco Laurienzo, has notified that the Lancaster Town Board that since 2018 the Police Department has been replacing the Panasonic Tough Books mobile data terminals within the patrol vehicles with Patrol PC Rhino Tabs due to the Panasonic models being obsolete and unserviceable, and

WHEREAS, Captain Laurienzo is requesting authorization to purchase one (1) new Patrol PC Rhino Tab from Advanced Electronic Design, Inc., a Sole Source provider, at a cost of \$5,782.85 per their quote (#QUO-6474) dated 2022-04-08, in accordance with the Town of Lancaster's Procurement Policy.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the purchase one (1) new Patrol PC Rhino Tab from Advanced Electronic Design, Inc., 344 John Dietsch Blvd, Unit 2, North Attleboro, MA, a Sole Source provider, in an amount not to exceed \$5,782.85 per their quote (#QUO-6474) dated 2022-04-08, and to be paid for with funds available in the Town's 2022 Public Safety Equipment Budget (Line Item 005.3120.0245), and

BE IT FURTHER,

RESOLVED, that Lieutenant Michael Drewniak is hereby authorized to execute the quote on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, by bond resolution dated March 15, 2021, the Town Board of the Town of Lancaster authorized a Capital Improvements Project consisting of the replacement and/or reconstruction of culverts within the Town of Lancaster, and

WHEREAS, the initial undertaking for this project requires the Town to fund the Preliminary Engineering Phase which consists of professional services for the design specifications and construction management of the various culverts, and

WHEREAS, by resolution dated April 19, 2021, the Town Board of the Town of Lancaster entered into an agreement with DiDonato Engineering & Architectural Professionals to provide design specifications and construction management of the various culverts within the Town for an amount not to exceed \$249,112.00 per their proposal dated March 26, 2021, and

WHEREAS, due to typographical errors the agreement was revised to include insurance requirements with no change in pricing and needs to be reapproved.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement, as presented, between the Town of Lancaster and DiDonato Associates, to provide the Preliminary Engineering Design phase for Capital Improvements Project consisting of the replacement and/or reconstruction of various culverts within the Town of Lancaster in the amount not to exceed \$249,112.00 based on terms outlined in Article 3 of their agreement and to be paid for with funds appropriated by the adopted March 15, 2021 Town Board Bond Resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, John Pilato, Highway Superintendent of the Town of Lancaster Highway Department, by letter dated April 27, 2022, has requested authorization for the Highway Superintendent and Deputy Highway Superintendent to attend the New York State Association of Towns Training School in Ithaca, New York from June 6-8, 2022.

NOW, THEREFORE,

BE IT RESOLVED, that the Highway Superintendent, John Pilato and Deputy Highway Superintendent, Michelle Barbaro of the Town of Lancaster Highway Department, are hereby authorized to attend the NY State Association of Towns training in Ithaca, New York from June 6-8, 2022.

BE IT FURTHER,

RESOLVED, that the cost of the training conference for two officials at the above-mentioned training course is \$110.00/person, and the estimated cost of lodging is \$796.00, estimated cost of meals and gas is \$175.00 and is hereby authorized in an amount not-to-exceed \$1191.00 for actual and necessary expenses, for three (3) days on the specified dates of training, and

BE IT FURTHER,

RESOLVED, that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS	ABSENT
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for the proposed relining of three culverts within the Town - Harewood Run, Sugarbush Lane, and Running Brook Drive, and

WHEREAS, funding for this project is available from the Capital Improvements Project Bond for the Replacement and/or Reconstruction of Various Culverts in the Town adopted on March 15,2021, and

WHEREAS, four (4) bids were received, opened and reviewed on March 3, 2022, and

WHEREAS, by memo dated March 23, 2022, Consulting Engineer, Ed Schiller, has informed the Board that DiDonato Associates, the design specification and construction management engineers on this project, have recommended awarding the bid to PIM Corporation, Inc., being the lowest responsible base bidder in the amount of \$643,750.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the Town of Lancaster's relining of three culverts Located at Harewood Run, Sugarbush Lane, and Running Brook Drive, to PIM Corporation, 201 Circle Drive North, Suite 105, Piscataway, NJ, in the amount of \$643,750.00 being the lowest responsible base bidder in conformance with the specifications on file in the office of DiDonato Associates, Design Professionals, and which will be paid for with funds from the Capital Improvements Replacement and/or Reconstruction of Various Culverts in the Town Project Bond adopted on March 15,2021, and

BE IT FURTHER,

RESOLVED, that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and Insurance certificates by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 2, 2022

PREFILED RESOLUTION NO. 13 – MEETING OF MAY 2, 2022

13. Ruffino/_____Appoint Kim Offhaus Dog Control Officer Part-Time Temporary
Seasonal

This resolution was withdrawn by Supervisor Ruffino for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Town Board is considering an amendment to a previously approved site plan for Anderson's Frozen Custard, submitted by Keith Anderson for the interior renovation, addition of a drive-thru lane, and modification to the outdoor patio and parking lot of the existing site located on a +/- 1.2-acre parcel at 4855 Transit Road (SBL No. 126.05-1-1.2) in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on March 16, 2022, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the construction project using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act ("SEQRA") regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled an "Unlisted" action under SEQRA.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. This project is described as the interior renovation, addition of a drive-thru lane, and modification to the outdoor patio and parking lot of the existing site will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED NO
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 2, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Lancaster has reviewed the proposed Anderson's Frozen Custard interior renovation, addition of a drive-thru lane, and modification to the outdoor patio and parking lot of the existing site located on a +/- 1.2-acre parcel at 4855 Transit Road (SBL No. 126.05-1-1.2) submitted by Keith Anderson; and the Town Board has determined the project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Anderson's Frozen Custard Site Plan Amendment #2135

Location of Action: 4855 Transit Road (SBL No. 126.05-1-1.2), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: A site plan amendment which includes an interior renovation of the existing restaurant, the addition of a drive thru lane, the modification of the existing outdoor patio space which will be partially covered and the modification of the 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.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

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? **Small impact. Potential increase in traffic due to drive thru. Town recommends sidewalk connection be installed along Transit Road to building entrance and appropriate pavement crossings and markings be in place.**
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 or 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.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, Keith Anderson, owner of **Anderson's Frozen Custard**, has submitted an application for a Special Use Permit to operate a restaurant on premises located at 4855 Transit Road (SBL No. 126.05-1-1.2), in the Town of Lancaster, New York, in accordance with provisions of Chapter 400-Zoning, Section 18 (B)(1)(a) of the Code of the Town of Lancaster, and

WHEREAS, §400-78 of the Zoning Chapter of the Town Code of the Town of Lancaster requires that the Town Board conduct a public hearing before the issuance of a special use permit for a use as proposed.

NOW, THEREFORE,
BE IT RESOLVED, that pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special use permits of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Keith Anderson, owner of **Anderson's Frozen Custard**, to operate a restaurant on premises located at 4855 Transit Road (SBL No. 126.05-1-1.2), in the Town of Lancaster, New York, will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 16th day of May, 2022, at 7:15 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

**LEGAL NOTICE
PUBLIC HEARING**

**SPECIAL USE PERMIT – ANDERSON’S FROZEN CUSTARD
4855 TRANSIT ROAD, LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 400-Zoning, Section 78 entitled Special use permits of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 2nd day of May, 2022 the said Town Board will hold a Public Hearing on the 16th day of May, 2022, at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Keith Anderson, owner of **Anderson’s Frozen Custard**, to operate a restaurant on premises located at 4855 Transit Road (SBL No. 126.05-1-1.2) in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

**BY: DIANE M. TERRANOVA
Town Clerk**

May 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
SUPERVISOR RUFFINO, TO WIT:

WHEREAS, the Town Board is considering the Rezone application submitted by Jeffery Palumbo of Barclay Damon, LLP on behalf of WKP2, LLC, Oakridge MFR Holdings, LLC, and RDNW LLC, for the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), to correct current zoning misclassification which will bring the property into conformity with zoning code within the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this rezone project pursuant to SEQR regulations at their meeting on April 6, 2022 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the rezone project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Type I” action under 6NYCRR Part 617.4(6)(v) of SEQR.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed rezone of the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), submitted by Jeffery Palumbo of Barclay Damon, LLP on behalf of WKP2, LLC, Oakridge MFR Holdings, LLC, and RDNW LLC, will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	NO
COUNCIL MEMBER DICMAN	WAS	ABSENT
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

MOTION FAILED

May 2, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 2, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed rezone of the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), submitted by Jeffery Palumbo of Barclay Damon, LLP on behalf of WKP2, LLC, Oakridge MFR Holdings, LLC, and RDNW LLC, and has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: 338 Harris Hill Rezoning

Location of Action: 338 Harris Hill Road (SBL No. 82.04-1-1.11) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: Applicant seeks to rezone the property from Light Commercial to Multifamily Mixed-use. Rezoning corrects mistaken zoning classification, bringing property into conformity with zoning code.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **Small impact.**
Should proposed 47 residential units be created, a downstream capacity analysis will be required per DSM response dated November 16, 2021.
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**

11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – N/A
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **No impact.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **No impact.**
18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

PREFILED RESOLUTION NO. 17 – MEETING OF MAY 2, 2022

17. Mazur/_____ Amend Zoning Map 338 Harris Hill Road

This resolution was withdrawn by Council Member Mazur for further study.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, by letter dated April 26, 2022 the Town of Lancaster's Department of Parks, Recreation & Forestry as advised the Town Board that they no longer has use for a Storage Box (47' long, 9' tall and 8' x4" wide), a Lesco Sprayer (model# 021574 serial# FS12090), and a 2005 MSA Dump Trailer (VIN# 1G9US122X5B136279), and has requested that the Town Board deem these items to be surplus equipment and permit them to be placed on an online auction, and

WHEREAS, the Town Board has given due consideration to the request of the Department of Parks, Recreation & Forestry and deems it a judicious decision to declare the beforementioned items to be surplus equipment and permit placement of said items on an online auction;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the Storage Box (47' long, 9' tall and 8' x4" wide), a Lesco Sprayer (model# 021574 serial# FS12090), and a 2005 MSA Dump Trailer (VIN# 1G9US122X5B136279) to be surplus equipment and authorizes the Deputy Highway Superintendent to place said items up for public bid at an online auction with Auctions International, www.auctionsinternational.com; 11167 Big Tree Road, East Aurora, New York 14052 commencing May 5, 2022 and concluding on May 20, 2022, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has deemed a a Storage Box (47' long, 9' tall and 8' x4" wide), a Lesco Sprayer (model# 021574 serial# FS12090), and a 2005 MSA Dump Trailer(VIN# 1G9US122X5B136279) as surplus equipment.

This surplus equipment and will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052 starting May 5, 2022 and concluding on May 20, 2022.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster's Department of Parks, Recreation, and Forestry, 525 Pavement Road, Lancaster, New York by contacting the Park Crew Chief, Michelle Barbaro at 684-3320 to make an appointment.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

By: DIANE M. TERRANOVA
TOWN CLERK

May 5, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the year 2022 has been introduced, entitled “**SCHEDULE B REVISION**”, which will amend the Code of the Town of Lancaster by updating and correcting lot sizes within Zoning 400 Attachment 2, Schedule B, (400 Attachment 2:1- 2:3 & 2:5), and

WHEREAS, the proposed local law of 2022 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Lancaster that:

1. A public hearing for the proposed Local Law is hereby set for the 16th day of May 2022 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHART	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted May 2, 2022, the said Town Board will hold a Public Hearing on the 16th day of May, 2022 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster Town Code by updating and correcting lot sizes within Zoning 400 Attachment 2, Schedule B, of the Town of Lancaster's Town Code. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town's website <https://www.lancasterny.gov>. All interested members of the public shall be heard.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
LANCASTER**

**By: DIANE M. TERRANOVA
Town Clerk**

May 5, 2022

Town of Lancaster
Local Law No. ____ of 2022

A Local Law Amending the Code of the Town of Lancaster by updating and correcting lot sizes within Zoning 400 Attachment 2, Schedule B (400 Attachment 2:1- 2:3 & 2:5).

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: The lot sizes within Zoning 400 Attachment 2, Schedule B is hereby amended as follows:

400 Attachment 2:1

R
If public sewer: 15,000 square feet per DU

If public sewer on corner lot: 15,625 square feet per DU

If no public sewer: 37,500 square feet (3/4 ac.) per DU

400 Attachment 2:2

<u>R</u>	<u>LC</u>
Abutting a dedicated street:	100 feet

- (1) **If public sewer: 100 feet**
- (2) **If public sewer on corner lot: 125 feet**
- (3) **No public sewer: 150 feet**

400 Attachment 2:3

R
35 feet
Each side yard: the lesser of 10% of the lot width or 10 feet

Total Side yard: the lesser of 25% of the lot width or 25 feet

From property line or edge of easement

Each side yard shall be the greater of 15 feet, or width equal to ½ the height of the principal building, but if a side yard abuts an A-R, R, or MFMU lot, that side yard shall equal the greater of 30 feet or a width equal to the full height of the principal building.

From property line or edge of easement

35 feet

From property line or edge of easement

35 feet

400 Attachment 2:5

R
N/A
10 feet
5 feet from side lot line
Or easement line

N/A
750 square feet

Section 2. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Town of Lancaster Highway Superintendent, John Pilato, by letter dated April 26, 2022 has advised the Town Board that the Highway Department no longer has use for a 2003 Volvo Dump truck (Model#VHD64B, VIN#4V5KC9UE63N344029 w/approx. 120,000 mi) and is asking that the Town Board deem this item to be surplus equipment and permit the Highway Superintendent to be offered on an online auction.

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it a judicious decision to declare the beforementioned dump truck to be surplus equipment and permit placement of said item on an online auction.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned a 2003 Volvo Dump Truck(Model#VHD64B, VIN#4V5KC9UE63N344029 w/approx. 120,000 mi) to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052, starting May 5, 2022 and concluding on May 20, 2022, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	WAS ABSENT
COUNCIL MEMBER LEARY	VOTED YES
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 2, 2022

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has declared the following 2003 Volvo Dump Truck (Model#VHD64B, VIN#4V5KC9UE63N344029 w/approx. 120,000 mi) as surplus equipment.

This surplus equipment and will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>, 11167 Big Tree Road, East Aurora, New York 14052 beginning May 5, 2022 and concluding on May 20, 2022.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

By: Diane M. Terranova
Town Clerk

May 5, 2022

COMMUNICATIONS & REPORTS

263. **Town Clerk to Town Board –**
Notice of appointment of Sherry Guarino to the full-time position of Deputy Receiver of Taxes effective June 1, 2022, to fill a vacancy created by a retirement. Disposition = For Resolution
264. **Campanelli & Associates, P.C. to Supervisor –**
Attorney advertising to assist in drafting new, more comprehensive zoning code provisions regarding placement of new wireless facilities.
Disposition = Received & Filed
265. **Highway Superintendent to Town Board –**
Request for resolution for the Town of Lancaster to enter into GIS Web Map Application Hosting and ArcGIS Online Administrator and GIS/GPS Support Services with Wendel Companies, 375 Essjay Rd., Suite 200, Williamsville, NY.
Disposition = Resolution 4/18/22
266. **Town Clerk to Police Chief and Code Enforcement Officer –**
Transmittal of Application for a Game Room License for Regal 16 Cinemas, 6707 Transit Road. Disposition = For Resolution
267. **Town Clerk to Richard Koch –**
Notice for need to request a renewal of a Special Use Permit for a Home Occupation (C.P.A. Office) on premises located at 60 Michaels Walk.
Disposition = Received & Filed
268. **Town Clerk to David Bedell, II –**
Notice for need to request a renewal of a Special Use Permit for a Home Occupation (Gunsmithing and Sales) on premises located at 3976 Walden Ave.
Disposition = Received & Filed
269. **Town Engineer to Supervisor –**
Request for resolution to allow the Supervisor to sign the NYSDOT Undertaking Agreement. Disposition = For Resolution
270. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Division of Sewerage Management regarding Anderson's Site Amendment, 4855 Transit Rd., Proj. #2135.
Disposition = Planning Committee
271. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Public Works regarding Motel & Mixed-Use Broadway & Bowen, 5827 Broadway, Proj. #2210.
Disposition = Planning Committee
272. **Paul Friedrich to Supervisor –**
Request for Town to consider constructing a Pickleball court(s) in the Northwest corner of the Town. Disposition = Received & Filed
273. **Town Clerk to Gregory Sojka –**
Notice for need to request a renewal of a Special Use Permit to operate a contractor's storage yard located at 1230 Town Line Rd.
Disposition = Received & Filed
274. **Hon. Jeremy Colby to Supervisor and Town Board –**
Request for approval to hire Marc Adamberger to the position of Court Officer part-time provisional effective May 2, 2022. Disposition = Resolution 5/2/22
275. **Code Enforcement Officer to Town Board –**
Request for resolution to create a Building and Zoning Clerk position.
Disposition = For Resolution

276. **Code Enforcement Officer to Town Board –**
Comments and recommendations regarding Local Law Amending 400-75 (D) (9)
Site Plan Review. Disposition = Received & Filed
277. **Town Clerk to Code Enforcement Officer –**
Letter from Richard Koch requesting a renewal of a Special Use Permit for a
Home Occupation (C.P.A. Office) located at 60 Michael’s Walk.
Disposition = Received & Filed
278. **Code Enforcement Officer to Lancaster Town Drainage Committee –**
Request for authorization in writing to the Town Engineer to provide the
documentation for bid proposals and Town Attorney’s Office to notify the
property owners regarding Pleasant Meadows Stormwater Facility RFP to
reconstruct. Disposition = Town Attorney
279. **Tracy Verrier to Town Clerk –**
Information regarding Erie County IDA 2022 Comprehensive Economic
Development Strategy public comment period. Disposition = Received & Filed
280. **Noah Speyer to Michelle Barbaro –**
Two-weeks’ notice given on April 4, 2022 resigning from position in Lancaster
Parks, Recreation and Forestry Dept. Disposition = Received & Filed
281. **Patrol Captain Marco Laurienzo to Supervisor –**
Request for authorization to purchase one (1) new “Rhino Tab” Patrol PC.
Disposition = Resolution 5/2/22
282. **Dan Centinello, Sr. to Lancaster Town Court Justices –**
Letter of resignation from the position of Lancaster Court Officer effective
April 11, 2022. Disposition = Received & Filed
283. **Deputy Highway Superintendent to Supervisor and Town Board –**
Invitation to Town of Lancaster’s Arbor Day Celebration at Westwood Park
on April 30, 2022 at 9:30AM. Disposition = Received & Filed
284. **Supervisor to Town Board –**
Request for several items to be deemed surplus property to be discarded through
Sunn King. Disposition = For Resolution
285. **Code Enforcement Officer to Town Board –**
Recommend approval for renewal of a Special Use Permit for a Home
Occupation (C.P.A. Office) located at 60 Michael’s Walk.
Disposition = For Resolution
286. **Deputy Highway Superintendent to Town Board –**
Request for resolution to have Mollenberg-Betz, Inc., 300 Scott St., Buffalo, NY
replace the CO Detection System at the Town of Lancaster Gun Range.
Disposition = For Resolution
287. **Frank Todaro, Erie County Legislator to Supervisor –**
Information regarding Erie County Storefront Revitalization Program.
Disposition = Received & Filed
288. **Gloria Chaves to Supervisor –**
Invitation to National Day of Prayer event in front of Lancaster Town Hall at
12:00 noon on May 5, 2022. Disposition = Received & Filed
289. **Rob Rendon to Supervisor and Town Board –**
Letter of resignation from the position of Assistant Code Enforcement Officer
effective May 6, 2022. Disposition = Received & Filed

- 290. NYS Dept. of Agriculture & Markets Animal Health Inspector 1 to Town Engineer Site Visit Report for Town of Lancaster Dog Control.
Disposition = Received & Filed**
- 291. Police Chief to Supervisor and Town Board –
Request for resolution allowing four (4) Police Officers from the Emergency Response Team to be sent to the New York Tactical Officers Association training conference to be held on April 25-29, 2022, in Verona, NY.
Disposition = Resolution 5/2/22**
- 292. Deputy Highway Superintendent to Town Board –
Request for resolution to deem certain items as surplus and allow them to go for public auction. Disposition = Resolution 5/2/22**
- 293. Highway Superintendent to Town Board –
Request for resolution to deem one piece of equipment as surplus and allow it to be placed in an online auction. Disposition = Resolution 5/2/22**
- 294. Town Supervisor to Town of Lancaster –
Proclamation announcing the month of May 2022 as “Building Safety Month” in the Town of Lancaster. Disposition = Resolution 5/2/22**
- 295. Dog Control Officer to Supervisor and Town Board –
Request for resolution appointing Kim Offhaus to the position of temporary seasonal Dog Control Officer effective May 16, 2022.
Disposition = For Resolution**
- 296. Town Engineer to Town Board –
Results of the site visit by the NYS Dept, of Agriculture & Markets at the new Dog Control Facility to determine if the grant conditions had been met.
Disposition = Received & Filed**
- 297. Highway Superintendent to Town Board –
Request for resolution for the Highway Superintendent and Deputy Highway Superintendent to attend the New York State Association of Towns training school at Ithaca College, Ithaca, NY from June 6-8, 2022.
Disposition = Resolution 5/2/22**
- 298. Chester Menkiena to Town Clerk –
30-Day Advance Notice regarding a liquor license for Leonard Post Jr. Post No. 6251, Inc., 1822 Como Park Blvd., Lancaster, NY.
Disposition = Town Attorney**

AJOURNMENT:

**MOTION WAS MADE BY COUNCIL MEMBER MAZUR AND
SECONDED BY COUNCIL MEMBER BURKARD AND CARRIED,** to adjourn the
meeting in memory of Paul Pautler and Donald Puccio at 9:55 P.M.

The question was put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	WAS ABSENT	
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

MEETING ADJOURNED.

May 2, 2022

Signed _____

Diane M. Terranova, Town Clerk