

# **Town Board Minutes**

**Meeting  
No. 9**

***Special Meeting***

**April 5, 1995**

MEETINGS TO DATE 9  
NO. OF REGULARS 7  
NO. OF SPECIALS 2

LANCASTER, NEW YORK  
APRIL 5, 1995

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 5th day of April 1995 at 7:00 P.M. and there were

PRESENT: LUCIAN J. GRECO, SUPERVISOR  
ROBERT H. GIZA, COUNCIL MEMBER  
PATRICK C. POKORSKI, COUNCIL MEMBER  
THOMAS H. VAN NORTWICK, COUNCIL MEMBER  
GEORGE E. O'NEIL, PLANNING BOARD CHAIRMAN  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
FRANK M. DE CARLO, PLANNING BOARD MEMBER  
JOHN P. GOBER, PLANNING BOARD MEMBER  
DONNA G. STEMPNIAK, PLANNING BOARD MEMBER  
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER  
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ABSENT: DONALD E. KWAK, COUNCIL MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
JOSEPH F. REINA, ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
ROBERT H. LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQOR REVIEW OF THE  
TOPS MARKETS, INC. REZONE PETITION AND SITE DEVELOPMENT PLAN**

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Tops Markets, Inc. Rezone Petition and Site Development Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER STEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER POKORSKI, TO WIT:

RESOLVED, that the following Positive Declaration be adopted:

**NOTICE OF DETERMINATION  
TOPS MARKETS, INC. REZONE PETITION AND SITE DEVELOPMENT PLAN  
POSITIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found significant potentially large environmental impacts relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Positive Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Joseph F. Reina, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 136.66 acres.

The location of the premises being reviewed is situate on the south side of Genesee Street at Gunville Road.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a potentially large physical change to the project site.
  - a) Proposed action will result in construction of a paved marking area for 1,000 or more vehicles.
  - b) Proposed action will result in excavation that would remove more than 1,000 tons of natural material (i.e. rock or soil).
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will have a small to moderate affect on a water body designated as protected namely Ellicott Creek.
  - a) Proposed action will result in an extension of utility distribution facilities through a protected water body.
  - b) Proposed action will result in construction in a designated freshwater or tidal wetlands.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a potentially large affect on surface or ground water quality or quantity.
  - a) Proposed action would use water in excess of 20,000 gallons per day.
  - b) Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will have a potentially large affect on air quality.
  - a) Proposed action will allow an increase in the amount of land committed to industrial use.
  - b) Proposed action will produce diesel fumes from truck emissions on idling trucks.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
  - a) Proposed action will result in the application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
9. The proposed action will have a small to moderate affect on non-threatened or endangered species.
  - a) Proposed action would interfere with some resident or migratory fish, shellfish or wildlife species.
10. The proposed action will have a potentially large affect on agricultural land resources.
  - a) Proposed action would sever, cross or limit access to agricultural land.
  - b) Proposed action will result in construction activity that would excavate or compact the soil profile of agricultural land.
  - c) Proposed action would irreversibly convert more than 2.5 acres of agricultural land located in an Agricultural District.
  - d) Proposed action would disrupt or prevent installation of agricultural land management systems (e.g. subsurface drain lines, outlet ditches, strip cropping), or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).
11. The proposed action will have a potentially large affect on aesthetic resources.
  - a) Proposed action will produce land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
  - b) Proposed action will produce land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
12. The proposed action will have a potentially large impact on a site or structure of historic, pre-historic or paleontological importance.
  - a) Proposed action will impact an archaeological site located within the project site.
  - b) Proposed action will occur in an area designated as sensitive for archaeological sites on the New York State Site Inventory.
  - c) Proposed action is near Hull House, a historical site.
13. The proposed action will have a small to moderate affect on the quantity or quality of existing or future open spaces or recreational opportunities.
  - a) Proposed action will produce a major reduction of an open space important to the community.

14. The proposed action will have a potentially large affect on existing transportation systems.
  - a) Proposed action will alter present patterns of movement of people and/or goods.
  - b) Proposed action will result in major traffic problems.
15. The proposed action will have a potentially large affect on the community's sources of fuel or energy supply.
  - a) Proposed action will require the creation or extension of an energy transmission or supply system to serve a major commercial use.
16. There will be objectional odors, noise, or vibration as a result of this proposed action (potentially large impact).
  - a) Proposed action will produce odors occurring routinely (more than one hour per day).
  - b) Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
  - c) Proposed action will produce some small to moderate blasting of bedrock during construction.
17. The proposed action will have a small to moderate affect on public health and safety.
  - a) Proposed action calls for fuel to be stored on premises; two (2) 20,000 gallon diesel tanks.
18. The proposed action will have a potentially large affect on the character of the existing community.
  - a) Proposed action will conflict with officially adopted plans or goals.
  - b) Proposed action will cause a change in the density of land use.
  - c) Proposed action will set an important precedent for future projects.
19. There is substantial public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Lucian J. Greco, Supervisor  
Town of Lancaster

April 5, 1995

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized and directed to execute a "Positive Declaration" Notice of Intent to Prepare a Draft EIS Determination of Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Positive Declaration" Notice of Intent to Prepare a Draft EIS Determination of Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Positive Declaration" with the Town Clerk.

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

|                                 |            |
|---------------------------------|------------|
| SUPERVISOR GRECO                | VOTED YES  |
| COUNCIL MEMBER GIZA             | VOTED YES  |
| COUNCIL MEMBER KWAK             | WAS ABSENT |
| COUNCIL MEMBER POKORSKI         | VOTED YES  |
| COUNCIL MEMBER VAN NORTWICK     | VOTED YES  |
| PLANNING BOARD MEMBER O'NEIL    | VOTED YES  |
| PLANNING BOARD MEMBER ANDERSON  | VOTED YES  |
| PLANNING BOARD MEMBER DE CARLO  | VOTED YES  |
| PLANNING BOARD MEMBER GOBER     | VOTED YES  |
| PLANNING BOARD MEMBER STEMPNIAK | VOTED YES  |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES  |
| PLANNING BOARD MEMBER WHITTAKER | VOTED YES  |

The Notice of Determination was thereupon unanimously adopted.  
April 6, 1995

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:45 P.M.

*Robert P. Thill*

Robert P. Thill, Town Clerk