

**Town Board Minutes**

**Meeting  
No. 7**

***Special Meeting***

**March 17, 1997**

MEETINGS TO DATE 7  
NO. OF REGULARS 5  
NO. OF SPECIALS 2

LANCASTER, NEW YORK  
MARCH 17, 1997

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 17th day of March 1997, at 6:30 P.M. and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD CHAIRMAN  
FRANK DE CARLO, PLANNING BOARD MEMBER  
DAVID MARRANO, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING RD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
ROBERT 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 five actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
R.J. CORMAN SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the R.J. Corman site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER WHITTAKER  
WHO MOVED ITS ADOPTION, SECONDED BY  
SUPERVISOR GIZA , TO WIT:

**RESOLVED**, that the Municipal Review Committee table this matter pending receipt of additional information from the applicant.

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

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED ABSENT
PLANNING BOARD CHAIRMAN ANDERSON	VOTED ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 17, 1997

**IN THE MATTER OF THE SEQR REVIEW OF THE  
BESROI CONSTRUCTION CO. REZONE PETITION AND  
SITE PLAN REVIEW**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Besroi Construction Company rezone and site plan review with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

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

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
BESROI CONSTRUCTION CO. REZONE PETITION  
AND SITE PLAN  
NEGATIVE 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 an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative 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  
Richard J. Sherwood, Town Attorney  
716-684-3342

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

The proposed development is of a parcel involving approximately 3.5 acres.

The location of the premises being reviewed is situate on the north side of Genesee Street, east of Harris Hill Road.

**REASONS SUPPORTING DETERMINATION**

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, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy).

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

March 17, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-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 "Negative 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 GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED ABSENT
PLANNING BOARD CHAIRMAN ANDERSON	VOTED ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 17, 1997

**IN THE MATTER OF THE SEQR REVIEW OF THE  
SCHMITT'S GARAGE INC. REZONE PETITION AND  
SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Schmitt's Garage Inc. rezone petition matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR , TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
SCHMITT'S GARAGE INC. REZONE PETITION AND  
SITE PLAN  
NEGATIVE 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 an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative 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  
Richard J. Sherwood, Town Attorney  
716-684-3342

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

The proposed development is of a parcel involving approximately .457 acres.

The location of the premises being reviewed is situate on the southeast corner of Home Road and Genesee Street.

**REASONS SUPPORTING DETERMINATION**

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, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy).

**No adverse effects noted**

- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

March 17, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-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 "Negative 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 GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED ABSENT
PLANNING BOARD CHAIRMAN ANDERSON	VOTED ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 17, 1997

**IN THE MATTER OF THE SEQR REVIEW OF THE  
TOWN BOARD INITIATIVE MAP CHANGE AND  
CASEY MACHINE CO., INC. SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on a Town Board Initiative Map Change and the Casey Machine Co., Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER GOBER  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER KWAK , TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
TOWN BOARD INITIATIVE MAP CHANGE AND CASEY MACHINE CO., INC.  
SITE PLAN  
NEGATIVE 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 an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative 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  
Richard J. Sherwood, Town Attorney  
716-684-3342

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

The proposed development is of a parcel involving approximately 7.271± acres.

The location of the premises being reviewed is situate on the east side of Ward Road, north of Walden Avenue

**REASONS SUPPORTING DETERMINATION**

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, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No adverse effects noted**
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

March 17, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and  
and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-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 "Negative 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 GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED ABSENT
PLANNING BOARD CHAIRMAN ANDERSON	VOTED ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 17, 1997

**IN THE MATTER OF THE SEQR REVIEW OF THE  
JIFFY-TITE COMPANY, INC. SITE PLAN**

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Jiffy-Tite Company, Inc. site 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 COUNCIL MEMBER MONTOUR  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER WHITTAKER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
JIFFY-TITE COMPANY, INC. SITE PLAN  
NEGATIVE 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 no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative 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  
Richard J. Sherwood, Town Attorney  
716-684-3342

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

The proposed development is of a parcel involving approximately 23.88 acres.

The location of the premises being reviewed is on the south side of Walden Avenue, west of Ransom Road.

**REASONS SUPPORTING DETERMINATION**

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 small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.

3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect on the character of the existing community.
20. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

March 17, 1997

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-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 "Negative 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 GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED ABSENT
PLANNING BOARD CHAIRMAN ANDERSON	VOTED ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	VOTED ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 17, 1997

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:30 P.M.

Robert P. Thill  
Robert P. Thill, Town Clerk

**Town Board Minutes**

**Meeting  
No. 8**

***Regular Meeting***

**March 17, 1997**

MEETINGS TO DATE 8  
NO. OF REGULARS 6  
NO. OF SPECIALS 2

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LANCASTER, NEW YORK  
MARCH 17, 1997

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 17th day of March 1997 at 8:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
JOHN MILLER, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LANEY, BUILDING INSPECTOR  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR

**EXECUTIVE SESSION:**

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 10:45 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 11:15 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.

**PERSONS ADDRESSING TOWN BOARD**

**Bastian, Norman**, 5747 Genesee Street, spoke to the Town Board on the following matter:  
The present status of the RJ Corman materials storage yard on Harris Hill Road just north of the Thruway.

**Wolf, Earl**, 526 Pleasant View Drive, spoke to the Town Board on the following matter:  
Increasing fees for new commercial development for funding fire protection.

**Brett, James**, 590 Harris Hill Road, spoke to the Town Board on the following matter:  
The present status of the RJ Corman materials storage yard on Harris Hill Road just north of the Thruway.

**Tworek, Hank**, 8 Primrose Lane, spoke to the Town Board on the following matter:  
Opposed to development of a 50 unit Senior Citizen Complex at the end of Primrose Lane.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matter:  
Insurance on communication towers if they fall on adjoining properties.

**Wander, Arthur**, 9 Broadmore Court, spoke to the Town Board on the following matter:  
Expressed opposition to Marrano/Marc Equity Trentwood Trail Rezone Petition.

**Schmitkons, Mark**, 11 Broadmore Court, spoke to the Town Board on the following matter:  
Expressed opposition to Marrano/Marc Equity Trentwood Trail Rezone Petition.

**Sherlein, Jack**, 5 Alyssum Court, spoke to the Town Board on the following matter:  
Commended the Town Attorney's Office for a fine job in the appeal of the AHEPA Zoning matter in Rochester Court of Appeals.

**Grimmer, Douglas**, 203 Seneca Place, spoke to the Town Board on the following matter:  
Increased funding for the Bowmansville Volunteer Fire Association.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Schmitt's Garage, Inc. for property situate on the southeast corner of Home Road and Genesee Street and locally known as 5247 Genesee Street, for a rezone of said property from a NB-Neighborhood Business District to a CMS-Commercial Motor Service District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPONENTS**

**ADDRESS**

Thomas Schmitt, the petitioner	5255 Genesee Street
Chuck Gates	Maple Drive
Joseph Casimino	41 W. Home Road
Jerome Meyer	434 Lake Avenue
Bill Walters	23 W. Home Road
Bill Cullinan	434 Central Avenue
Keith Wilkinson	Genesee Street
Ron Meier	40 Schlemmer Road

**OPPONENTS**

**ADDRESS**

Paul Ostermeier	24 Home Road
Gloria Kubicki	15 Maple Drive

**COMMENTS & QUESTIONS**

**ADDRESS**

Ray Wolf	18 W. Home Road
George Phelps	15 W. Home Road

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:05 P.M.

**PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:**

At 9:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Besroi Construction Corporation for property locally known as 5434 Genesee Street, for a rezone of said property from a RCO-Residential Commercial Office District to a LI-Light Industrial District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

**ADDRESS**

David Cominski

5434 Genesee Street

**OPPOSERS**

**ADDRESS**

None

**COMMENTS & QUESTIONS**

**ADDRESS**

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:15 P.M.

**PUBLIC HEARING SCHEDULED FOR 9:15 P.M.:**

At 9:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed zoning amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, for the rezone of property presently owned by Keith A. Wilkinson, located on the east side of Ward Road, north of Walden Avenue, from an AR-Agricultural Residential District to a LI-Light Industrial District to clear up an inconsistency in the Town's Zoning Map.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPOSERS**

**ADDRESS**

Robert Gill, Architect

4918 Broadway, Depew

**OPPONENTS**

**ADDRESS**

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None

**COMMENTS & QUESTIONS**

**ADDRESS**

None

ON MOTION BY COUNCIL MEMBER MILLER, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:45 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

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

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on March 3, 1997 be and hereby are 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 KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER , WHO MOVED  
ADOPTION, SECONDED BY COUNCIL MEMBER  
KWAK , TO WIT:

**WHEREAS**, during the week following Easter several members of the Town Board will be unable to attend the regular meeting of the Town Board scheduled for April 7, 1997, and

**WHEREAS**, the Supervisor of the Town of Lancaster has requested that a Special Meeting of the Town Board be held on Thursday, March 27, 1997 at 4:30 P.M., at the Town Hall of the Town of Lancaster, for the purpose of authorizing the payment of claims only,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that so much of Rule 1 of the Rules of Order of the Town of Lancaster, as adopted by the Town Board on January 1, 1996, be amended to provide for replacement of the regular meeting originally scheduled to be held on April 7, 1997 with a meeting to be held on April 14, 1997, said replacement meeting to be held at the Lancaster Town Hall at 8:00 P.M. at the usual time and place for regular Town Board meetings, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby sets a Special Meeting of the Town Board of the Town of Lancaster on Thursday, March 27, 1997, at 4:30 P.M., at the Town Hall of the Town of Lancaster, for the purpose of authorizing the payment of claims only, and

**BE IT FURTHER**

**RESOLVED**, that no other business is authorized to be conducted at this Special Meeting.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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

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

**WHEREAS**, proposed Local Law No. 1 of the Year 1997, entitled: "Communications Towers" and designated as Article VII-A of Chapter 50-Zoning of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Stempniak on the 3rd day of February, 1997, and

**WHEREAS**, a Public Hearing was duly called and held pursuant to law on February 24, 1997:

**NOW, THEREFORE, BE IT**

**ENACTED** by the Town Board of the Town of Lancaster, Local Law No. 1 of 1997, entitled "Communications Towers", and further designated as ARTICLE VII-A of Chapter 50 - Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

**ZONING ORDINANCE**  
**CHAPTER 50**  
**ARTICLE VII-A**  
**COMMUNICATIONS TOWERS**

**LOCAL LAW NO. 1**

**Of the Year**  
**1997**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY ENACTING ARTICLE VII-A, COMMUNICATIONS TOWERS, TO CHAPTER 50 ZONING, WHICH ARTICLE DEFINES AND REGULATES TOWERS AND SHALL BE ENTITLED, "LOCAL LAW NO. 1 OF THE YEAR 1997 - COMMUNICATIONS TOWERS", AND DESIGNATED AS ARTICLE VII-A OF CHAPTER 50-ZONING OF THE CODE OF THE TOWN OF LANCASTER.**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster, as follows:

**ARTICLE VII-A - COMMUNICATIONS TOWERS**  
**(Section 50-41.1 to Section 50-41.12 Inclusive)**

- §50-41.1 Legislative Intent.**
- §50-41.2 Definitions.**
- §50-41.3 Co-Locating Antennas on Existing Structures.**
- §50-41.4 Communications Towers in Industrial  
And Manufacturing Districts.**
- §50-41.5 Communications Towers in Other Districts.**
- §50-41.6 Special Use Permit Requirements.**
- §50-41.7 Height.**
- §50-41.8 Procedure.**
- §50-41.9 Exemptions.**
- §50-41.10 Waivers.**
- §50-41.11 Fees**
- §50-41.12 When Effective.**

**§50-41.1 Legislative Intent.**

The Town of Lancaster recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communications tower. The intent of this Local Law is to protect the Town's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless service providers to meet their technological and service objectives.

**§50-41.2 Definitions.**

- A. **COMMUNICATIONS TOWER** - A structure designed to support antennas. It includes without limit, free-standing towers, guyed towers, monopoles, and similar structures which employ camouflage technology.
- B. **ANTENNA** - A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PCS) and microwave communications.
- C. **ACCESSORY STRUCTURE** - An accessory facility or structure serving or being used in conjunction with a communications tower, and located within one hundred (100) feet of the communications tower. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

**§50-41.3 Co-locating Antennas on Existing Structures.**

Antennas may be added or attached to existing communications towers, water tanks, buildings or structures in any district, upon the issuance of a building permit. Accessory Structures shall be similarly permitted when located within one hundred (100) feet of such existing structures.

**§50-41.4 Communications Towers in Industrial and Manufacturing Districts.**

Communications Towers and accessory structures shall be permitted in any of the following high-intensity use districts upon the issuance of a building permit: LI-Light Industrial; GI-General Industrial; and SGA-Sand, Gravel and Aggregates.

**§50-41.5 Communications Towers in Other Districts.**

Communications towers and accessory structures are permitted in districts other than those identified in §50-41.4 above only upon the issuance of a Special Use Permit by the Town Board, as set forth in §50-41.6 below.

**§50-41.6 Special Use Permit Requirements.**

Prior to the issuance of a Special Use Permit for a communications tower by the Town Board, the following requirements shall be addressed by the Planning Board and the Planning Board shall make a recommendation to the Town Board:

- A. **Application and Site Plan** - All applicants for a tower special permit shall make written application to the Planning Board. The application shall include a site plan setting forth specific site data on a map, acceptable in form and content to the Planning Board, which shall be prepared to scale and in sufficient detail and accuracy and which shall show the following:
  - (1) The location of property liens and permanent easements.
  - (2) The location of the communications tower, together with guy wires and guy anchors, if applicable.

- (3) A side elevation or other sketch of the tower showing the proposed antennas and elevations of any accessory structures;
- (4) The location of all structures on the property and all structures on any adjacent property within ten (10) feet of the property lines, together with communications tower;
- (5) The names of adjacent landowners;
- (6) The location, nature and extent of any proposed fencing and landscaping or screening;
- (7) The location and nature of proposed utility easements and access road, if applicable;
- (8) The maximum height of the proposed tower;
- (9) A copy of the FCC License;
- (10) Affirmation of compliance with federal radio frequency emission standards; and
- (11) An engineer's opinion as to structural capacity of the tower or other elevated structures

**B. Preference for Higher-Intensity Use Districts** - The Town Board may express a preference that the proposed facility be located in a higher intensity use district or on higher intensity use property, provided there is a technologically feasible and available location. A guideline for the Town Board's preference, from most favorable to least favorable districts/property, is as follows:

- (1) Property with an existing structure suitable for co-location;
- (2) Municipal or governmentally owned property;
- (3) LI - Light Industrial; GI - General Industrial; SGA - Sand, Gravel and Aggregates;
- (4) NB-Neighborhood Business; GB-General Business; CMS-Commercial and Motor Service; SC-Shopping Center and RCO-Residential Commercial Office districts; and
- (5) Residential districts.

**C. Aesthetics** - In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Town Board may impose reasonable conditions on the applicant, including the following:

- (1) The Town Board may require a monopole or guyed tower (if sufficient land is available to applicant) instead of a freestanding communications tower.
- (2) The Town Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the communications tower and/or to screen the tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

- (3) The Town Board may require the applicant to show that it has made good faith efforts to co-locate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances.
- (4) Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be painted a galvanized finish or matte gray unless otherwise required by the FAA.
- (5) No tower shall contain any signs or advertising devices.

**D. Radio-Frequency Effects** - The Town Board recognizes that federal law prohibits the regulation of cellular and PCS communications towers based on the environmental effects of radio frequency emissions where those emissions comply with FCC standards for those emissions. The Town Board may, however, impose a condition on the applicant that the communications antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels.

**E. Traffic, Access and Safety:**

- (1) A road turnaround and one parking space shall be provided at the tower site to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made.
- (2) All communications towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight (8) feet in height or otherwise sufficiently protected from trespassing or vandalism.
- (3) The applicant must comply with all applicable State and Federal regulations, including but not limited to FAA and FCC regulations.
- (4) The tower must be set back a minimum of the height of the tower from all property lines and any existing building for a fall zone.
- (5) The applicant shall agree to remove the tower if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for twelve consecutive months.

The Town Board shall require the applicant to provide a demolition bond (in an amount determined by the Town Board based on the cost of removal) for the purpose of removing the telecommunications facility in case the applicant fails to do so as required above.

**§50-41.7 Height.**

Communications towers permitted under this chapter shall be exempt from the height limitations otherwise applicable in the district in which they are located.

**§50-41.8 Procedure.**

Upon receipt of a completed application, the Town Board shall hold a public hearing and shall comply with all of the requirements of Chapter 50-46 of the Code of the Town of Lancaster for the approval of special use permits. The Town Board shall review the application for compliance with the provisions of this Chapter and shall determine that the location of the proposed communications tower is in accordance with the principles and requirements stated herein.

**§50-41.9 Exemptions.**

- A. Communications tower and antennas may be repaired and maintained without restrictions.
- B. Antennas used solely for residential household television and radio reception.
- C. Satellite antennas measuring 2 meters or less in diameter regardless of location.

**§50-41.10 Waivers**

The Town Board may waive or vary any requirements in this Local Law for good cause shown.

**§50-41.11 Fees.**

See Chapter 30, Page 3001, of the Town Code.

**§50-41.12 When effective.**

This Local Law shall take effect upon filing with the Secretary of State.

and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law of the Year 1997 on the Town Bulletin Board::
  
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication:
  
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1997, with all proofs of publication and posting required for adoption; and
  
4. File certified copies of Local Law No. 1 of the Year 1997 within twenty (20) days of adoption with:
  - a) Town Clerk's office
  - b) Three (3) copies with the office of the Secretary of State.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rloclawa.197

**LEGAL NOTICE  
NOTICE OF ADOPTION  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County New York, on March 17, 1997, Local Law No. 1 of the Year 1997, entitled "Communications Towers" and further designated as ARTICLE VII-A of Chapter 50-Zoning, Sections 50-41.1 to 50-41.12 of the Code of the Town of Lancaster, briefly described as follows:

**"A Local Law which regulates the construction of communications towers in the Town of Lancaster and protects the public's interest in properly siting towers in a manner consistent with sound land use planning, while also allowing wireless service providers to meet their technological and service objectives."**

**March 17, 1997**

**STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :**

**THIS IS TO CERTIFY**, that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 1 of the Year 1997, with the original thereof filed in my office at Lancaster, New York, on the 17th day of March, 1997, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 17th day of March, 1997.

  
\_\_\_\_\_  
Town Clerk

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

Page 186

**WHEREAS**, a Public Hearing was held on the 17th day of March, 1997 by the Town Board of the Town of Lancaster for the rezone of a parcel of property presently owned by Keith A. Wilkinson, located on the east side of Ward Road, north of Walden in the Town of Lancaster, New York, from an AR-Agricultural Residential District to an LI-Light Industrial District to clear up an inconsistency in the Town's zoning map, the parcel in question to have been changed to LI when the zoning map was amended in 1989, but was not properly reflected on the zoning map, and

**WHEREAS**, a Notice of said Public Hearing has been duly published and posted, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an AR-Agricultural Residential District to an LI-Light Industrial District:

**PARCEL A. 6.874± Acres**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 2, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of Lot No. 12, distant 650 feet southerly from its intersection with the north line of Lot No. 12;

**RUNNING THENCE** southerly, along the east line of Lot No. 12, 426.49 feet;

**THENCE** westerly, forming an interior angle of 89°-27'-16" with the east line of Lot No. 12, 684.32 feet to a point in the east line of lands conveyed to Marjorie Wilkinson by deed recorded in the Erie County Clerk's Office in Liber 10878 of Deeds at page 8890, distant 33 feet north of the southeast corner thereof;

**THENCE** northerly, along the east line of lands so conveyed to Wilkinson, and said line extended northerly 453.33 feet to a point in a line drawn westerly from the point of beginning and parallel with the north line of Lot No. 12;

**THENCE** easterly, along said line drawn parallel with the north line of Lot No. 12, 680.71 feet to the point or place of beginning

Together with the benefits and subject to the burdens of easements, agreements, rights of way, covenants and restrictions of record, if any.

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 2, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at the southeast corner of lands conveyed to Norman Weinberg by deed recorded in Erie County Clerk's Office in Liber 1044 of Deeds at page 309;

**THENCE** westerly along the south line of said lands, 260.98 feet to the northeasterly corner of lands conveyed to the Town of Lancaster Highway Department by deed recorded in said Clerk's Office in Liber 8796 of Deeds at page 324;

**THENCE** southerly at 90 . 66 feet to the southeast corner of said lands:

**THENCE** easterly along the north line of lands conveyed to William Tote and one by deed recorded in said Clerk's Office in Liber 10367 of Deeds at page 152. 260.98 feet to the northeast corner of said lands:

**THENCE** north at right angles, 66 feet to the point of beginning.

Together with a non-exclusive easement for ingress and egress over the southerly 33 feet of the above described premises, and further reserving, however, to the Grantor herein a non-exclusive easement for ingress and egress over said northerly 33 feet.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 17th day of March, 1997;

3. That a certified copy thereof be published in the Lancaster Bee on or before the 20th day of March, 1997;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STAMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rrezcasa

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
WILKINSON PROPERTY**

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from an AR-Agricultural-Residential District, to an LI-Light Industrial District:

**PARCEL A. - 6.874± Acres**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 2, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of Lot No. 12, distant 650 feet southerly from its intersection with the north line of Lot No. 12;

**RUNNING THENCE** southerly, along the east line of Lot No. 12, 426.49 feet;

**THENCE** westerly, forming an interior angle of 89°-27'-16" with the east line of Lot NO. 12, 684.32 feet to a point in the east line of lands conveyed to Marjorie Wilkinson by deed recorded in the Erie County Clerk's Office in Liber 10878 of Deeds at page 8890, distant 33 feet north of the southeast corner thereof;

**THENCE** northerly, along the east line of lands so conveyed to Wilkinson, and said line extended northerly 453.33 feet to a point in a line drawn westerly from the point of beginning and parallel with the north line of Lot No. 12;

**THENCE** easterly, along said line drawn parallel with the north line of Lot No. 12, 680.71 feet to the point or place of beginning

Together with the benefits and subject to the burdens of easements, agreements, rights of way, covenants and restrictions of record, if any.

**PARCEL B - 0.397± Acres:**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 12, Section 2, Township 11, Range 6 of the Holland Land Company's Survey, described as follows:

**BEGINNING** at the southeast corner of lands conveyed to Norman Weinberg by deed recorded in Erie County Clerk's Office in Liber 1044 of Deeds at page 309;

**THENCE** westerly along the south line of said lands, 260.98 feet to the northeasterly corner of lands conveyed to the Town of Lancaster Highway Department by deed recorded in said Clerk's Office in Liber 8796 of Deeds at page 324;

**THENCE** southerly at 90°, 66 feet to the southeast corner of said lands;

**THENCE** easterly along the north line of lands conveyed to William Tote and one by deed recorded in said Clerk's Office in Liber 10367 of Deeds at page 152. 260.98 feet to the northeast corner of said lands;

**THENCE** north at right angles, 66 feet to the point of beginning.

Together with a non-exclusive easement for ingress and egress over the southerly 33 feet of the above described premises, and further reserving, however, to the Grantor herein a non-exclusive easement for ingress and egress over said northerly 33 feet.

March 17, 1997

STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :

THIS IS TO CERTIFY, that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the forgoing copy of a Legal Notice of Adoption of a Rezone, with the original filed in my office at Lancaster, New York, on the 17th day of March, 1997, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 17th day of March, 1997.

Robert P. Thill  
Town Clerk

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

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Section 13-5 A. and Section 13-8 A. Of Chapter 13, "Dogs", of the Code of the Town of Lancaster, as follows:

CHAPTER 13 - DOGS

1. §13-5. Impoundment fees and redemption.

A. (1) through (3) is hereby deleted and the following adopted in place thereof:

"13-5. ....

A. ....

- (1) Twenty-five dollars (\$25.) for the first impoundment of any dog owned by that person and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof;
- (2) Fifty dollars (\$50.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the second impoundment, within one (1) year of the first impoundment, of any dog owned by that person.
- (3) Seventy-five dollars (\$75.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the third impoundment, within one (1) year of the first impoundment, of any dog owned by that person.
- (4) One hundred dollars (\$100.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the fourth and subsequent impoundments, within one (1) year of the first impoundment, of any dog owned by that person."

And

2. §13-8. License fee.

A .....; is hereby deleted and a new 13-8 (A) enacted in place thereof which reads as follows:

§13-8 .....

A. Pursuant to §110, Subdivision 4 of the Agriculture and Markets Law of the State of New York, an annual license fee of nine dollars and fifty cents (\$9.50) for each dog license issued by the Town of Lancaster, New York, under §109, Subdivision 1, of the

Agriculture and Markets Law will be added to the fees established by §110, Subdivision 1 of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses, becoming effective on or after June 1, 1997.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the proposed amendments to Sections 13-5. Impoundment Fees, (A) and 13-8. License Fees (A) of Chapter 13, entitled: "Dogs" of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on 14th day of April, 1997, at 8:30 o'clock P.M., Local Time and that Notice of the time and place of such hearing shall be published on April 3, 1997, in the Lancaster Bee, the official Newspaper of such Town and be posted on the Town Bulletin Board, 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 KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rdogorh

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
(DOG ORDINANCE)**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to 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 17th day of March, the said Town Board will hold a public hearing on the 14th day of April, 1997, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following amendments to Sections 13-5. Impoundment Fees (A) and 13-8. License Fee (A) of Chapter 13, entitled "Dogs", of the Code of the Town of Lancaster, Erie County, New York:

**CHAPTER 13 - DOGS**

**§13-5. A. Impoundment fees and redemption. (A (1) through (3) is hereby deleted and the following enacted in place thereof:**

**"13-5. ....**

**A. ....**

- (1) Twenty-five dollars (\$25.) for the first impoundment of any dog owned by that person and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof;
- (2) Fifty dollars (\$50.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the second impoundment, within one (1) year of the first impoundment, of any dog owned by that person.
- (3) Seventy-five dollars (\$75.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the third impoundment, within one (1) year of the first impoundment, of any dog owned by that person.
- (4) One hundred dollars (\$100.) for the first twenty-four (24) hours or part thereof and ten dollars (\$10.) for each additional twenty-four (24) hours or part thereof for the fourth and subsequent impoundments, within one (1) year of the first impoundment, of any dog owned by that person."

**And**

2. **§13-8. License fee.**

A. ....; is hereby deleted and a new 13-8 (A) enacted in place thereof which reads as follows:

**§13-8** .....

A. Pursuant to §110, Subdivision 4 of the Agriculture and Market Law of the State of New York, an annual license fee of nine dollars and fifty cents (\$9.50) for each dog license issued by the Town of Lancaster, New York, under §109, Subdivision 1, of the Agriculture and Markets Law will be added to the fees established by §110, Subdivision 1 of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses, becoming effective on or after June 1, 1997.

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

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **ROBERT P. THILL**  
Town Clerk

March 17, 1997

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

**WHEREAS**, the Town Board of the Town of Lancaster after deems it in the public interest to clarify the procedure for issuance of a building permit in the Town of Lancaster by deleting Section 30-2 "Building Permits Required", of Chapter 30, "Permit and Application Fees", of the Code of the Town of Lancaster, and enacting in place thereof, a new Section 30-2, "Building Permits Required" of said Article I of Chapter 30, which shall read as follows:

**CHAPTER 30  
PERMIT AND APPLICATION FEES  
ARTICLE I - General Fees**

.....

**§30-2.** "Building permits required", is hereby repealed and the following enacted in place thereof:

**"§30-2. Building permits required.**

Before any person shall erect, construct, alter, move, demolish or commence to erect, construct, alter, move or demolish any building or structure within the Town of Lancaster exclusive of the villages therein, such person shall first apply for a building permit with the Building Inspector and after review by that office it shall be forwarded to the Town Board for final approval and issuance by the Town Clerk of the Town of Lancaster.

.....

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the proposed repeal of Section 30-2 Building Permits Required, of Article I of Chapter 30, Permit & Application Fees, of the Code of the Town of Lancaster, and the enactment of a new §30-2 "Building Permits Required" of Chapter 30 of said Code, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on 14th day of April, 1997. at 8:45 o'clock P.M., Local Time and that Notice of the time and place of such hearing shall be published on April 3, 1997, in the Lancaster Bee, the official Newspaper of such Town and be posted on the Town Bulletin Board, 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 KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rcodeh.397

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
CODE AMENDMENT  
PERMIT AND APPLICATION FEES**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to 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 17th day of March, the said Town Board will hold a public hearing on the 14th day of April, 1997, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the repeal of Sections 30-2, "Building Permits Required", of Chapter 30, Permit and Application Fees and enactment of a new Section 30-2, "Building Permits Required", in place thereof, as follows:

**CHAPTER 30  
PERMIT AND APPLICATION FEES  
ARTICLE I - General Fees**

.....

**§30-2.** "Building permits required", is hereby repealed and the following enacted in place thereof:

**"§30-2. Building permits required.**

Before any person shall erect, construct, alter, move, demolish or commence to erect, construct, alter, move or demolish any building or structure within the Town of Lancaster exclusive of the villages therein, such person shall first apply for a building permit with the Building Inspector and after review by that office it shall be forwarded to the Town Board for final approval and issuance by the Town Clerk of the Town of Lancaster."

.....

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

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: ROBERT P. THILL  
Town Clerk**

March 17, 1997

**PREFILED RESOLUTION NO. 7- MEETING OF 3/17/97**

7. Stempniak/\_\_\_\_\_ Deny Zoning Ordinance Amendment Re: Map Change Petition  
Marrano/Marc Equity Corporation Walden Avenue (Trentwood  
Trail Extension)

At the request of Council Member Stempniak, this resolution was withdrawn for  
further study.

File: RWTHDRWN

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

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility on Main Street, Bowmansville, in the Town of Lancaster, on property owned by the Bowmansville Volunteer Fire Association, Inc., for the years 1997 and 1998, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which said recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Bowmansville Volunteer Fire Association, Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises on Main Street, Bowmansville, within the Town of Lancaster, for the operation of the Town's Recreation Program during its normal summer season for the years 1997 and 1998

2. That the Town Attorney make distribution of the executed copies of said Agreement to the appropriate parties.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK , WHO  
MOVED ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER KWAK , TO WIT

**WHEREAS**, the **Jiffy-Tite Company, Inc.**, has submitted a Site Plan dated December, 1996 for the construction of a new office/manufacturing facility and site improvements on property located on the south side of Walden Avenue, west of Ransom Road and locally known as No. 4437 Walden Avenue, in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan, and by letter dated February 20, 1997, recommended approval thereof, and

**WHEREAS**, a SEQR review was held on this project on March 17, 1997 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by the **Jiffy-Tite Company, Inc.**, for the construction of a new office/manufacturing facility to be located on the south side of Walden Avenue, west of Ransom Road, and locally known as No. 4437 Walden Avenue, in the Town of Lancaster, with plans prepared by Nussbaumer & Clarke, Inc., dated December, 1996, subject to the following conditions:

- All concerns of Town Line Fire Chief shall be met prior to issuance Of a Building Permit;
- A fire lane is to be constructed around the building to facilitate fire control.
- Planning Board review of a revised site plan.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rajiffy.

**PREFILED RESOLUTION NO. 10 - MEETING OF 3/17/97**

10. Stempniak/ \_\_\_\_\_ Approve Site Plan Casey Machine Company Inc

At the request of Council Member Stempniak, this resolution was withdrawn for further study.

File: RWTHDRWN

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MILLER, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER KWAK , TO WIT

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, designated as Chapter 46 of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 14th day of April, 1997, at 9:00 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before April 3, 1997, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, 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 KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: rvtordh.497

**LEGAL NOTICE  
PUBLIC HEARING  
PUBLIC HEARING**

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**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to 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 17th day of March, 1997, the said Town Board will hold a Public Hearing on the 14th day of April, 1997, at 9:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**STOP AND YIELD INTERSECTIONS**

**§46-8, Stop Intersections designated, is hereby amended by adding thereto the following:**

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
<b>AUTUMN PARK SUBDIVISION</b>		
Nathan's Trail	Autumn Park Lane	s/w corner
Katelyn Lane (northerly intersection)	Nathan's Trail	n/e corner
Katelyn Lane (southerly intersection)	Nathan's Trail	n/e corner
<b>VILLAGE ON THE PARK SUBDIVISION</b>		
Village View	Lake Avenue	n/e corner
Village View	Creekwood Drive	s/e corner
Creekwood Drive	Village View	s/w corner

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
<b>WINDSOR RIDGE SUBDIVISION PHASE III</b>		
Devonshire Lane	Brunck Road	s/e corner
Devonshire Lane	Sussex Lane	n/w corner
Siebert Road	Devonshire Lane	s/w corner
Siebert Road	Brunck Road	s/e corner
Sussex Lane	Devonshire Lane	n/e corner

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

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: ROBERT P. THILL**  
Town Clerk

March 17, 1997

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

**WHEREAS**, the Town Board of the Town of Lancaster after review and due consideration of the authorized buyout policy of hospitalization coverage for town employees, has determined that said buyout policy should be amended to reflect the increase in insurance premiums experienced for hospitalization coverage:

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby amends the authorized buyout plan of town employees health insurance for the purpose of reducing the cost of same borne by the Town, as follows:

- (a) **Family Plan** - payment to the employee of a sum equal to fifty per cent (50%) of the annual premium for the lowest cost plan available to town employees, to be made in equal semi-annual payments on or about April 1st and October 1st of the calendar year.
- (b) **Single Plan** - payment to the employee of a sum equal to fifty per cent (50%) of the annual premium for the lowest cost plan available to town employees, to be made in equal semi-annual payments on or about April 1st and October 1st of the calendar year.

2. This amended buyout program shall take effect April 1, 1997.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

File: ribuyout

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

**WHEREAS**, the Executive Director of the Town of Lancaster, by letter dated  
March 11, 1997, has requested the appointment of three youth members to the Youth Board of  
the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals be and are hereby appointed  
members of the Town of Lancaster Youth Board for the period March 17, 1997 to  
May 31, 1998

Jennifer Chadwick  
54 Pheasant Run Lane  
Lancaster, NY 14086

Matthew Wagner  
99 Colony Street  
Depew, NY 14043

Wendy Rago  
177 Peppermint Road  
Lancaster, NY 14086

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO MOVED  
ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER KWAK , TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has previously advertised for bids for the Town Hall and Opera House Roof Replacement, Ventilation and Miscellaneous Repairs , which facility is located at 21 Central Avenue, Lancaster, New York, and

**WHEREAS**, bids were received and opened on March 13, 1997, and

**WHEREAS**, Abate Engineering Associates, P.C., have reviewed the bids for General Construction, Mechanical Construction, Electrical Construction and Roofing Replacement, and by letter dated March 13, 1997, has recommended that the lowest responsible bidders for said Contracts, in conformance with the specifications are as follows:

<u>GENERAL CONSTRUCTION</u>	<u>AMOUNT</u>
MGR Constructors, Inc. P.O. Box 61 Bowmansville, New York 14026	\$ 7,100.00
<u>MECHANICAL CONSTRUCTION</u>	
Allied Mechanical, Inc. 1337 Main Street Buffalo, New York 14209	12,637.00
<u>ELECTRICAL CONSTRUCTION</u>	
Warrens Electrical 77 Reading Street Buffalo, New York 14220	4,199.00
<u>ROOFING REPLACEMENT</u>	
Weaver Metal & Roofing, Inc. 40 Appenheimer Avenue Buffalo, New York 14214	151,500.00
<b>TOTAL AMOUNT - \$175,436.00</b>	

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the **General Construction Contract** in the amount of \$7,100.00 to **MGR Constructors, Inc.**; the **Mechanical Construction Contract** in the amount of \$12,637.00 to **Allied Mechanical, Inc.**; the **Electrical Construction Contract** in the amount of \$4,199.00 to **Warrens Electrical**; and the **Roofing Replacement Contract** in the amount of \$151,500.00 to **Weaver Metal & Roofing, Inc.**; being the lowest responsible bidders in conformance with specifications on file in the Town Clerk's Office, and

**BE IT FURTHER**

**RESOLVED**, that the bid of MGR Constructors, Inc., for roofing replacement is deemed to be not in accordance with specifications, since the lift to the roof does not comply with OSHA standards.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

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

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**RESOLVED**, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 12839 to Claim No. 13122 Inclusive

Total amount hereby authorized to be paid: **\$652,820.79**

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER KWAK , WHO  
 MOVED ITS ADOPTION. SECONDED BY  
 COUNCIL MEMBER MONTOUR , TO WIT:

**RESOLVED**, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3985	United Refining Co	5843 Broadway	Alt. Sign
3986	Thaddeus Pantera	44 Pheasant Run Ln	Er. Summer Room
3987	Fischione Const. Co. Inc	138 Siebert Rd	Er. Sin. Dwlg
3988	Decks Unlimited Const Inc	44 W Home Rd	Er. Deck
3989	Capretto Enterprises Inc	40 Michael's Wlk	Er. Sin. Dwlg
3990	Galle Memorial Studio Inc	4155 Walden Ave	Er. Stone Sign
3991	Elderwood Associates Inc	1818 Como Park Blvd	Alt. HealthCare Facility
3992	Frank J Radzwill	5068 William St	Er. Shed
3993	Darwin D Overholt	19 Wainwright Ct	Inst. Wood Stove
3994	Russ Gardner	Penora St Bldg(Cellular Tele)	Er. Tower/PreFab
3995	Heath/Nancy Smith	98 Stony Rd	Er. Fence
3996	AllCraft	108 Newberry Ln	Er. Sin. Dwlg
3997	Anna Mydlarz	37 Spruceland Terr	Er. Fence
3998	Marrano/Marc Equity	14 Butler Dr	Er. Sin. Dwlg
3999	Marrano/Marc Equity	33 Woodgate Dr	Er. Sin. Dwlg
4000	M J Ogiony Bldrs	3 Sagebrush Ln	Er. Sin. Dwlg
4001	Sunrise Bldrs Inc	5 Village View	Er. Sin. Dwlg

and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved 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 following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

FILE: RBLDG.2 (P1-2)

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

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

WHEREAS, the Director of Parks, Senior Facility and Buildings and Grounds has advised that his department will take delivery of the first shipment of trees for spring planting on March 20, 1997 and that he will need temporary help to assist his present staff to plant up to seventy (70) trees per day, and

WHEREAS, the Town Board deems it in the public interest to hire seasonal employees to assure that the trees are planted in a timely manner;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the employment of:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Carmen Ciccarelli 809 Erie Street Lancaster, New York	Laborer	\$5.75 hr.
Donald Hibbs 75 S. Irwinwood Lancaster, New York	Laborer	\$6.50 hr.
Jason Tamrowski 31 Livingston Street Lancaster, New York	Laborer/Pool Supervisor	\$6.60 hr.
Brandon Wehrung 34 Partridge Walk Lancaster, New York	Laborer	\$5.75 hr.

as seasonal employees for the Parks and Forestry Department to assist in planting trees which are to be delivered commencing March 20, 1997.

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

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 17, 1997

file: rppks.

**COMMUNICATIONS:**

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143. Council Member Montour to Roy Schneggenburger -  
Advisement re: investigation committee/letter dated 1/27/97. DISPOSITION:  
Investigating
144. NYSDOT to Town Clerk -  
Transmittal of material pertaining to acquisition of property re: Transit Rd. construction  
between French Rd. And Broadway. DISPOSITION: Received and Filed
145. Town Clerk to Supervisor -  
Monthly report for February 1997. DISPOSITION: Received and Filed
146. NYSDOT to Dep. Town Attorney -  
Comments re: TIS update re: Transit-Wehrle Retail Center. DISPOSITION: Planning  
and Zoning Committee
147. NYSDEC to Dep. Town Attorney -  
Advisement re: Buffalo Crushed Stone site plan for railroad material storage yard on east  
side of Harris Hill Rd. DISPOSITION: Planning and Zoning Committee
148. NYSDEC to Dep. Town Attorney -  
Concerns re: Schmitt's Garage rezone petition. DISPOSITION: Planning and Zoning  
Committee
149. Mark G. Schmitkons to Town Board -  
Comments re: Marrano correspondence dated 2/24/97 re: Trentwood Trail Extension.  
DISPOSITION: Planning and Zoning Committee
150. ECDPW to Epic Capital Corp. -  
Request mitigations be provided re: Wehrle Drive. DISPOSITION: Received and Filed
151. Business First -  
Article on epic Dome dated 3/3/97. DISPOSITION: Received and Filed
152. LIDA to Lancaster Central School District Supt. -  
Clarification of acts of LIDA. DISPOSITION: Received and Filed
153. Marrano/Marc Equity to Town Board -  
Explanation of change in revised concept plan for Trentwood Trail Extension rezone  
petition. DISPOSITION: Planning and Zoning Committee
154. Informational Sheet -  
Consolidation Committee sheet listing members in City of Buffalo and County of Erie.  
DISPOSITION: Received and Filed
155. Cohen & Lombardo, P.C. to Town Engineer -  
Advisement re: M/M William Abbatoy's drainage problem. DISPOSITION: Town  
Engineer, Town Attorney
156. Town Engineer to Supervisor and Town Attorney -  
Response to letter from Cohen & Lombardo re: M/M William Abbatoy's drainage  
problem. DISPOSITION: Received and Filed
157. Sprint Spectrum to Supervisor -  
Transmittal of executed lease agreement. DISPOSITION: Received and Filed
158. ECDEP to Supervisor -  
Transmittal of data and notice of implementation of Action Plan to Overcome  
Impediments to Fair Housing. DISPOSITION: Supervisor
159. Supervisor to Town Board -  
Advisement re: senior van service in the community. DISPOSITION: Town Attorney
160. Congressman Jack Quinn to Supervisor -  
Transmittal of final schedule re: OUTREACH Program for 1997. DISPOSITION:  
Received and Filed
161. ECDEP to Niagara Frontier Transportation Committee -  
Transmittal of latest iteration of the description for the Lancaster Corridor Preservation  
Study. DISPOSITION: Received and Filed

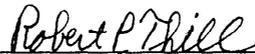
162. Receiver of Taxes to Town Board -  
Transmittal of first settlement payment re: 1997 County/Town tax warrant.  
DISPOSITION: Received and Filed
163. Town Line V.F.D. to Planning Board Chair. -  
Questions concerning Center Brook Subdivision site plan project. DISPOSITION:  
Planning and Zoning Committee
164. Planning Board to Town Board -  
Minutes from meeting held 3/12/97. DISPOSITION: Received and Filed
165. Planning Board to Town Board -  
Recommend approval of Casey Machine site plan. DISPOSITION: Received and Filed
166. Planning Board to Town Board -  
Recommend approval of Besroi Construction rezone petition. DISPOSITION: Received  
and Filed
167. Town Attorney to Town Board -  
Advisement re: DEC's response for lead agency - Besroi Construction rezone petition.  
DISPOSITION: Received and Filed
168. NYSDEC to Dep. Town Attorney -  
Advisement re: SEQR solicitation for lead agency re: Jiffy-Tite site plan.  
DISPOSITION: Received and Filed
169. NYSDEC to Dep. Town Attorney -  
Advisement re: SEQR solicitation for lead agency re: AHEPA #91 rezone petition.  
DISPOSITION: Received and Filed
170. NYSDEC to Dep. Town Attorney -  
Advisement re: SEQR solicitation for lead agency re: Casey Machine site plan and Town  
Board map change for Ward Rd. DISPOSITION: Received and Filed
171. Youth Bureau Ex. Dir. To Town Board -  
Recommend appointment of three Youth Board members. DISPOSITION: Received and  
Filed
172. Town Clerk to Media -  
Notice of SEQR meeting to be held 3/17/97 at 6:30 PM re: site plans for R.J. Corman  
Co., Jiffy-Tite, Casey Machine and the rezone petitions of Besroi Construction Co. And  
Schmitt's Garage. DISPOSITION: Received and Filed
173. Building Inspector to Town Board -  
Concerns re: Dog Ordinance amendment pertaining to installation of invisible fences.  
DISPOSITION: Public Safety
174. Robert Szymanski, 5252 Genesee St., to Supervisor -  
Expression of support for Schmitt's Garage rezone petition. DISPOSITION: Received  
and Filed
175. Sen. Dale Volker to Supervisor -  
Response to letter re: limiting ability of local governments and school districts to invest  
in programs such as CLASS. DISPOSITION: Supervisor
176. Millgrove V.F.D. to Supervisor -  
Notification that 4/1/97 is a tentative date for having LVAC takeover of transportation of  
patients to hospital. DISPOSITION: Received and Filed
177. Lancaster Metro -  
Article dated 3/9/97 entitled "Cellular Towers Could Be Windfall for Town".  
DISPOSITION: Received and Filed
178. Reno A. Berti, 5250 Genesee St., to Supervisor -  
Expression of support for Schmitt's Garage rezone petition. DISPOSITION: Received  
and Filed
179. Thomas, Christopher, John, Jerome, Timothy, Thomas Jr. Schmitt to Supervisor -  
Request support of rezone petition. DISPOSITION: Received and Filed
180. Marian Ciaramellad to Town Board -  
Concerns re: Epic Dome. DISPOSITION: Received and Filed

- 181. Assoc. Of Eric County Governments to Town Board -  
Notice of meeting to be held 3/27/97 in Orchard Park. DISPOSITION: Received and Filed
- 182. Village of Lancaster Dept. of Community Development to Lancaster Mayor and Village Board  
Notification of recent progress re: Lancaster Village Industrial Park. DISPOSITION: Received and Filed
- 183. NYS Off. Of Real Property Services to Supervisor -  
Notification that Town is eligible for assistance based on its 1995 Final Assessment Roll  
DISPOSITION: Received and Filed
- 184. Saperston & Day, P.C., to Supervisor -  
Transmittal of information from the new Saperston & Day, P.C. Telecommunications Group. DISPOSITION: Received and Filed
- 185. Abate Engineering Associates to Town Engineer -  
Recommendation of bid awards re: Town Hall roof replacement/truss repair bid opening held on 3/13/97. DISPOSITION: Received and Filed
- 186. Bowmansville VFA to Town Board -  
Comments re: fire company budget. DISPOSITION: Supervisor

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:20 P.M.

Signed



Robert P. Thill, Town Clerk