

Town Board Meeting Agenda
December 1, 2014
Meeting No. 34

THIS MEETING IS BEING RECORDED



1. ***Roll Call:***
2. ***Pledge of Allegiance:***
3. ***Invocation – Ronald Ruffino, Sr., Council Member***
4. ***Persons Addressing the Town Board (on prefiled or suspended resolutions only):***

The Town Board will hear the concerns of persons desiring to address the Town Board on any **prefiled or proposed suspended resolutions** for a period of thirty (30) minutes.

Procedure

1. Raise his/her hand and be recognized by the Supervisor.
2. Give his/her name and address to the Town Clerk.
3. Speak directly to the Town Board members, not the audience, using the microphone provided.
4. Speak **once for five (5) minutes or less**, unless the Town Board grants a speaker an extension of this time limit.

5. ***Public Hearings at 7:15 P.M.: #1 Amendment To Vehicle & Traffic Ordinance
#2 Rezone – 00 & 5354 Genesee Street***

6. ***Official Reports:***

7. ***Report of Town Board Committees:***

8. ***Presentations of prefiled resolutions by Town Board Members:***

1. Fudoli/ _____ Approve Minutes of the Joint Meeting of the Town Board and the Planning Board held November 17, 2014 and the Regular Meeting of the Town Board held November 17, 2014
2. Fudoli/ _____ Approve Audited Claims
3. Stempniak/ _____ Acknowledge Issuance Of Building Permits
4. Fudoli/ _____ Confirm Membership Roster Twin District VFC [Twin District VFC]
5. Stempniak/ _____ Adopt SEQR Negative Declaration Re: South Side Of Genesee Street At Shisler Road [South Side Of Genesee Street At Shisler Road]

9. ***Presentation of Communications By Town Clerk:***
(See Schedule Attached)

10. *Persons Addressing the Town Board (on any subject):*

The Town Board will hear the concerns of persons desiring to address the Town Board on any Town of Lancaster subject for a period of thirty (30) minutes.

Procedure

1. Raise his/her hand and be recognized by the Supervisor.
2. Give his/her name and address to the Town Clerk.
3. Speak directly to the Town Board members, not the audience, using the microphone provided.
4. Speak **once for five (5) minutes or less**, unless the Town Board grants a speaker an extension of this time limit.

11. *Adjournment:*

656. Fred Wilkosz to Town Clerk –
Notice of retirement as Bingo Inspector for the Town of Lancaster effective December 31, 2014. Disposition =
657. Twin District Volunteer Fire Co. to Town Clerk –
Change in roster. Disposition =
658. Twin District Volunteer Fire Co. to Town Clerk –
Change in roster. Disposition =
659. Eric Schneiderman, NYS Attorney General to Supervisor –
Information regarding “puppy mill” legislation. Disposition =
660. Highway Superintendent to Supervisor and Town Board –
Request for Town to pursue a contract so that the fill (waste material) on the Walden Avenue property, owned by the Town, can be removed allowing to proceed with sale of that parcel. Disposition =
661. Supervisor and Disaster Coordinator to Public –
Issuance of Driving Ban in the Town of Lancaster as of 8:00AM on Tuesday, November 18, 2014. Disposition =
662. Senator Charles Schumer, Senator Kirsten Gillebrand, Representative Brian Higgins and Representative Chris Collins to FEMA Administrator –
Request to swiftly recommend that the President make a disaster declaration for communities across Western New York that were recently impacted by the severe snow storm, and implement all federal programs activated by that declaration. Disposition =
663. U.S. Department of Constituent Affairs to Town Clerk –
Information regarding obtaining a federally subsidized benefit or problems encountered involving a federal government agency. Disposition =
664. Erie County Comptroller to Erie County Town Supervisors –
Information regarding record keeping of storm related expenses. Disposition =
665. Supervisor and Disaster Coordinator to Public –
Notice of termination of State of Emergency and Driving Ban in the Town of Lancaster effective 6:00AM on November 21, 2014. Disposition =
666. Highway Superintendent to Supervisor –
Update on winter storm that started on November 17, 2014, and request for input from Town Board regarding extent of this massive clean-up. Disposition =
667. Supervisor to Commissioner of Erie County Dept. of Public Works –
Request for ECDPW to look into the feasibility of installing a closed drainage system along William Street from Transit Road to Bowen Road. Disposition =
668. Dog Control Officer Lew Pacanowski to Town Board –
Dog Control monthly report for September 2014. Disposition =
669. Dog Control Officer Lew Pacanowski to Town Board –
Dog Control monthly report for October 2014. Disposition =
670. Highway Superintendent to Supervisor –
Update on winter storm that started on November 17, 2014, and request for input from Town Board regarding extent of this massive clean-up; with attachment. Disposition =
671. Highway Superintendent to Building Inspector –
Comments regarding sketch plan for proposed Fox Valley Estates located on Peppermint Road (Proj. #4072). Disposition =

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held November 17, 2014 and the Regular Meeting of the Town Board held November 17, 2014 be and are hereby approved.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 1, 2014

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

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

Claim No. 37979 to Claim No. 38094 Inclusive

Total amount hereby authorized to be paid: \$2,906,031.42

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 1, 2014

File: Rclaims

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

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

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
23519		Jerry Lynn Blanchard	1160 Ransom Rd	Er. Pole Barn	
23520		Matthew Caruana	624 Harris Hill Rd	Er. Fence	
23521		Memmingers Painting Inc.	2500 Commerce Pkwy	Er. Comm. Add./Alt.	(V/L)
23522		Caleb Jennings	2 Old Schoolhouse Rd	Er. Fence	
23523		RJF Development JV	29 Middlebury Ln	Er. Dwlg.-Sin.	
23524		RJF Development JV	684 Pleasant View Dr	Er. Dwlg.-Sin.	
23525		RJF Development JV	22 Middlebury Ln	Er. Dwlg.-Sin.	

BE IT FURTHER

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

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 1, 2014

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

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 12, 2014 has requested the addition of two members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individuals:

ADDITIONS:

Christina Strum

Daniel Foley

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 14, 2014 has requested the deletion of two Junior Firefighters from the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the deletion from the membership of the Twin District Volunteer Fire Company the following individuals:

DELETION:

Christina Strum

Daniel Foley

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 1, 2014

File: RFIRE (P4)

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

WHEREAS, the Town Board is considering purchasing property located at on south side of Genesee Street at Shisler Road (SBL # 95.00-1.2 and 95.00-1.3) which consists of an area situated on 28.96 ± acres of land within the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on November 17, 2014 and recommended that a Negative Declaration be issued, and

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

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

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

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

1. This project, described as the purchase of 28.96 ± acres of property located on the south side of Genesee Street at Shisler Road (SBL # 95.00-1.2 and 95.00-1.3) within the Town of Lancaster, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER AQUINO	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR FUDOLI	VOTED

December 1, 2014

NEGATIVE DECLARATION

Determination of Non-Significance

Town of Lancaster Town Board

Dated: December 1, 2014

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

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed purchase of 28.96 ± acres of property located on the south side of Genesee Street at Shisler Road (SBL # 95.00-1.2 and 95.00-1.3) within the Town of Lancaster. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: The Purchase of Property for Highway Materials Storage

Location of Action: South Side of Genesee Street at Shisler Road (SBL # 95.00-1.2 & 95.00-1.3) in the Town of Lancaster.

SEQR Status: Unlisted.

Description of Action: Purchase of Property for Materials Storage

Reasons Supporting this Determination: The Board has identified the relevant areas of environmental concerns and has taken a hard look at each of the identified areas as required by the State Environmental Quality Review Act ("SEQR"). The Board compared the proposed project ("action") with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will have a small impact on the character or quality of important historic, archaeological, architectural or aesthetic resources due to its proximity to the Hull House on Genesee Street.
9. The proposed action will result in a small adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna) which can be negated or minimized through proper project design.

10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.

11. The proposed action will not create a hazard to environmental resources or human health.

For Further Information:

Contact Person:	John M. Dudziak, Town Attorney
	Town of Lancaster
Address:	21 Central Avenue
	Lancaster, New York 14086
Telephone Number:	(716) 684-3342