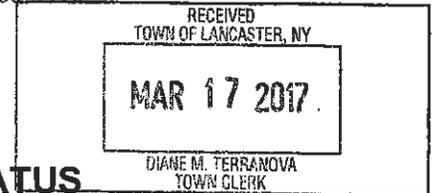


The Town of Cheektowaga



Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490



SOLICITATION FOR LEAD AGENCY STATUS TYPE 1. ACTION

Pursuant to Article 8 of the Environmental
Conservation Law, State Environmental Quality
Review (SEQRA)

TC - For Comm.
(DM)

Date: March 13 , 2017
Project Name: Cheektowaga Town Code Amendments
Location: Town Wide, Cheektowaga, Erie County

The Town of Cheektowaga is proposing amendments to its Town Code, affecting Chapter 26 (Planning Board), Chapter 107 (Environmental Impact Review) and Chapter 260 (Zoning). The code amendments have been identified as a Type 1. Action for purposes of SEQRA . The Town of Cheektowaga requests lead Agency Status for this project pursuant to Part 617.6 (b)(2)(i). It is the opinion of this agency that the Town of Cheektowaga has the greatest capability for providing the most thorough environmental assessment of the proposed action.

Any involved or interested agency may submit objections in writing within thirty (30) days of the date of this notification. If no objections are expressed, the Town of Cheektowaga will assume lead agency status for this action and will make a determination of its significance.

Written comments may be submitted to:

Daniel J. Ulatowski, AICP, Planner
Building Inspections Office
Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

Before: April 13, 2017

- Agencies Notified:**
Erie County DEP
NYSDEC - David Denk
Town of Amherst
City of Buffalo
Village of Depew
Town of Lancaster
Town of West Seneca

Chapter 107. Environmental Impact Review

§ 107-1. Title.

This chapter shall be known and may be cited as the "Environmental Impact Review Ordinance of the Town of Cheektowaga, New York."

§ 107-2. Purpose.

This chapter is adopted pursuant to Article 8 of the New York State Environmental Conservation Law ~~in order to provide for a review of actions to determine if such actions may have a significant effect on air, water and land quality.~~ **and consistent with the requirements of section 617.14 of the State Environmental Quality Review Act Regulations which provide a review procedure for evaluating whether proposed actions undertaken privately or by the Town of Cheektowaga may have an adverse impact on the environment.**

§ 107-3. Definitions.

A. Unless the context shall otherwise require, the terms, phrases and words and their derivatives used in this chapter shall have the same meaning as those defined in § 8-0113 of the Environmental Conservation Law of the State of New York and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

B. As used in this chapter, the following terms shall have the meanings indicated:

<u>DAC</u>	<i>Development Advisory Committee</i>
<u>SEAF</u>	<i>Short Environmental Assessment Form</i>
<u>FEAF</u>	<i>Full Environmental Assessment Form</i>
<u>NYCRR</u>	The New York Codes, Rules and Regulations.
<u>TOWN</u>	The Town of Cheektowaga.

§ 107-4. Compliance required.

No decision to carry out or approve an action other than an action listed in § ~~407-5C~~ **107-5B** hereof or Section ~~647.13[1]~~ **617.5** of Title 6 of NYCRR as a Type II action shall be made by the Town Board or by any department, board, commission, officer or employee of the town until there has been full compliance with all the requirements of this chapter and Part 617 of Title 6 of NYCRR; provided, however, that nothing herein **below** shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the town to approve, commence or engage in such action; or

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of NYCRR have been fulfilled.

§ 107-5. Types of actions.

A. The following actions ***shall be considered Type One actions***, ~~in place of § 107-5C, and~~ in addition to those listed in Section 617.4 of Title 6 of NYCRR and the criteria therein as Type I actions, ~~is~~ ***as*** likely to have a significant effect on the environment:

(1) Construction of new residential units which meet or exceed ~~the following threshold: in a city, town or village having a population of less than 150,000:~~ 100 units connected to community or publicly owned utilities.

B. (2) ***Actions within or affecting*** The following areas, ~~following written public notice and public hearings, shall be designated as~~ critical environmental areas, ~~and as~~ such designation ~~shall is~~ be filed with the Commissioner of the Department of Environmental Conservation pursuant to Section ~~617.4(g)(1)~~ ***617.14(g)(2)*** of Title 6 of NYCRR:

(i) Land areas.

(a) That land commonly known as the "Reinstein Woods," a two-hundred-sixty-nine-and-forty-one-hundredths-acre nature preserve, bounded generally by Como Park Boulevard, Losson Road, John C. Stiglmeier Park and Hitchcock Drive (as more particularly shown on a map on file in the Town Clerk's office).

(b) That land comprising 4.74, plus or minus, acres in the center of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's office).

(c) A four-hundred-foot-wide parcel of land abutting the Reinstein Woods along the entire perimeter of the Reinstein Woods (being more particularly shown on a map on file in the Town Clerk's office).

(ii) Freshwater wetlands of 1/2 acre or greater located within the town, including but not limited to those areas designated same by the Department of Environmental Conservation; in addition to those lands and submerged lands commonly called

marshes, swamps, sloughs, bogs and flats supporting aquatic or semiaquatic vegetation.

(iii) John C. Stiglmeier Park.

(iv) That portion of the Cayuga Creek one-hundred-year floodplain which lies within the corporate limits of the Town of Cheektowaga.

C. B The following actions, **shall be considered Type Two actions** in addition to those listed in Section 617.5 of Title 6 of NYCRR and the criteria therein as Type II actions, are deemed not to have a significant effect on the environment:

- (1) Modification of an existing single-family dwelling to a double.
- (2) Extension of utility distribution facilities serving new or altered single- or two-family structures or rendering service in an approved subdivision.
- (3) Construction of new single-family or double-family homes, unless part of a subdivision.

C. Unlisted Actions: Unlisted actions are all actions which are not listed as Type One or Type Two actions as aforementioned and consistent with sections 617.4 and 617.5 of Title 6 of NYCRR.

§ 107-6. Filing of environmental assessment form.

A. For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits, licenses, rezonings, special permits, **development reviews** or other actions listed as Type I actions in Section 617.4 of Title 6 of NYCRR and § 107-5A herein, shall file a written statement, hereinafter referred to as the environmental assessment form (EAF), with the Intake Officer, setting forth the name of the applicant; the location of the real property affected, if any; a site description and description of the nature of the project. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Such statement shall be filed with the application and shall contain such additional, relevant and explanatory information as the Intake Officer shall require, together with drawings, sketches and maps, if any.

B. If the application involves a town project not exempt under ~~§ 107-5C~~ **107-5B** herein or Section 617.5 of Title 6 of NYCRR as a Type II action, the department proposing the action shall prepare the EAF.

C. If the action is ~~one which is~~ Unlisted, then Part 1 of a full- **Short** Environmental Assessment Form (**SEAF**) shall be completed. ~~Whether or not an EAF is prepared, a~~

~~written record of the information upon which determination of significance is based shall be maintained. **The SEQR Intake Officer may request that Part 1 of a Full EAF be prepared if in his/her professional judgement the characteristics of the unlisted action warrant the use of the Full EAF to provide more clarity in identifying a proposed action and potential environmental impacts for agency review staff.**~~

D. If the action is a Type One action, then Part 1 of a Full Environmental Assessment Form (FEAF) shall be completed

~~D. Upon initial screening of the proposed action by the Intake Officer, the applicant has seven days to complete the appropriate form and statement. If the Intake Officer, upon initial screening, determines the proposed action to be Type II as listed in Section 617.5 of Title 6 of NYCRR or § 107-5C herein, no review is necessary. A determination that no review is necessary under Chapter 107 does not preclude a review under other applicable town laws or ordinances. (moved entire section)~~

§ 107-7. Designation of Intake Officer and Secretary.

The Town Planner shall be designated as the SEQR Intake Officer and shall receive all environmental assessment filings on behalf of the Lead Agency. Building Inspector or his designee shall be designated the Intake Officer and Secretary to the Advisory Committee.

§ 107-8. Development Advisory Committee.

The Development Advisory Committee (DAC) shall assist the Lead Agency in the review of an action which is subject to this chapter. ~~be composed of the Town Zoning Inspector, Town Engineer, Town Superintendent of Highways, Town Planning Board Chairman, Traffic Control Officer of the Town of Cheektowaga Police Department, Cheektowaga Conservation Advisory Council Chairman, and Town Traffic Safety Commission Chairman, or their designees.~~ The Development Advisory Committee (DAC) as established by Chapter 26 of the Town Code shall serve as a technical advisory body to the Lead Agency and shall assist the Lead Agency in evaluating whether proposed actions will have potential negative environmental impacts; consistent with the requirements of the State Environmental Quality Review Act (SEQRA). The SEQR Lead Agency in most cases will be the Town of Cheektowaga Town Board as the discretionary body. In instances where the Town Board is not the discretionary body, the discretionary body shall be the SEQR Lead Agency. The Development Advisory Committee shall provide a recommendation only. The SEQR Lead Agency shall make its own determination of Environmental Significance and Findings pursuant to the requirements of the State Environmental Quality Review Act.

§ 107-9. Lead agency; notice of project.

A. If no other agencies are involved, the Town Board of the Town of Cheektowaga shall be designated as the lead agency. ***If the action is a Type One action*** and if other agencies are involved, ***Part One*** of the completed ***Full Environmental Assessment Form FEAF*** and application ***materials*** shall be mailed to ***such identified agencies; requesting concurrence with the Town's designation as the Lead Agency*** them and a lead agency designated by mutual agreement within 30 days of the EAF being mailed. The criteria of Section ~~617.6(b)(1)~~ **617.6(b)** of Title 6 of NYCRR shall be followed in designating the lead agency.

B. If the action is unlisted, and other agencies are involved ***the Town may coordinate its review, pursuant to*** Section ~~617.6(b)(4)~~ **617.6(b) (3)** of Title 6 of NYCRR ***with other identified agencies shall be followed.***

C. Upon receipt of an application, the Intake Officer ***shall determine the completeness of the application and materials in order to make an initial classification of the SEQR action type. Actions which are classified as Type One, as listed in Section 617.4 of Title 6 of NYCRR and § 107-5A shall require a notice of receipt of the application to be published in the Town's official newspaper*** ~~cause a notice of the EAF and project information to be published in a newspaper of the town, describing the nature of the proposed project and stating that written views thereon of any person shall be received by the Advisory Committee no later than a date specified in such notice.~~ ***Additionally, a sign notifying the general public shall be posted on the project site indicating that a zoning/planning/environmental review is pending, and indicating how additional information can be obtained about the project.***

~~(1) Upon initial screening of the proposed action by the Intake Officer, the applicant has seven days to complete the appropriate form and statement. If the Intake Officer, upon initial screening, determines the proposed action is a to-be Type II action as listed in Section 617.5 of Title 6 of NYCRR or and § 107-5C 107-5B herein, no environmental review is necessary pursuant to the State Environmental Quality Review Act. A determination that no review is necessary under Chapter 107 does not preclude a review under other applicable town laws or ordinances.~~

(2) If the Intake Officer upon initial screening determines the proposed action is an unlisted action as listed in Section 617.5 of Title 6 of NYCRR and § 107-5C; a sign notifying the general public shall be posted on the project site indicating that a zoning/planning/environmental review is pending, and indicating how additional information can be obtained about the project.

(a) If a project is exempt and deemed a Type II SEQR Action as aforementioned in section 107-9C(1), but still requires site plan approval pursuant to the Zoning Law; a sign notifying the general public shall be posted on the project site indicating that a zoning/planning/environmental review is pending, and indicating how additional information can be obtained about the project.

(3) If the Intake Officer upon initial screening determines that the application is incomplete for review by the Development Advisory Committee, the applicant will be advised in writing what additional information is necessary for the application to be considered complete. Applications that are accepted for completeness and review by the Development Advisory Committee, does not preclude the Development Advisory Committee from requesting additional information that will assist in evaluating potential environmental impacts.

D. The *Development* Advisory Committee may, within 30 days of receipt of a complete application, hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in recommending a determination on the application.

§ 107-10. Application fee.

Every EAF shall be accompanied by a fee, as determined by Town Board resolution; to defray expenses *associated with the state mandated environmental review.*

§ 107-11. Determination of significance.

The Town Board *or other Town established Lead Agency* shall render a determination of *environmental* significance ~~or nonsignificance~~ based on the criteria *found in* of Section 617.7 of Title 6 of NYCRR. ~~within 45 days following receipt of a completed application; provided, however, that such period may be extended by mutual agreement of the applicant and the Advisory Committee. If the proposed action is not an exempt action, not an action listed in § 107-5C herein or 617.5 of Title 6 of NYCRR as a Type II action and will not have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate, for Type I and unlisted actions, a negative declaration as provided in Section 617.12 of Title 6 of NYCRR, and thereafter the proposed action may be processed without further regard to this chapter. If the Advisory Committee determines that the proposed action may have a significant effect on the environment, the Advisory Committee shall prepare, file and circulate such determination as provided in Section 617.10(c) of Title 6 of NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with provisions of this chapter and Part 617 of Title 6 of NYCRR. The Development Advisory Committee (DAC) in reviewing an action shall base its recommendation to the Town Board or~~

other Town established Lead Agency based on the criteria for determining environmental significance found in 617.7 of Title 6 NYCRR .

§ 107-12. Draft / Final environmental impact statements and Finding Requirements.

If the lead agency makes a determination that an action will have a significant adverse impact on the environment (Positive Declaration), then the requirements of Sections 617.9 through 617.13 of Title 6 NYCRR shall be followed for requiring the preparation of an environmental impact statement and the preparation of a findings statement by the lead agency.

~~A. Following a determination that a proposed action may have a significant effect on the environment, the Building and Plumbing Inspector shall immediately notify the applicant or agency of the determination and shall request that a draft environmental impact statement (DEIS) be prepared, focusing on the concerns expressed by other interested parties.~~

~~B. If the applicant or agency fails to submit the DEIS in a reasonable time, the Building and Plumbing Inspector shall notify the applicant or agency that the processing of the application shall cease and that no approval will be issued.~~

~~C. Said DEIS shall be submitted with a fee, as determined by Town Board resolution, to defray expenses of the town in evaluating the same or a fee to cover the costs incurred to engage an outside consultant to review said DEIS, as regulated by 6 NYCRR Part 617.~~

§ 107-13. Notice of completion of DEIS.

~~A. Upon completion of a DEIS, a notice of completion shall be prepared by the Building and Plumbing Inspector. It shall contain at least the following information:~~

- ~~(1) A brief precise description of the action covered by the statement; the location and nature of its potential environmental impacts and effects.~~
- ~~(2) Where and how copies of the DEIS can be obtained.~~
- ~~(3) A statement that public comment is requested and will be accepted for 30 days from filing of the notice of completion or 10 days following the close of a hearing if one is held.~~

~~B. A copy of the notice of completion and/or a copy of the DEIS shall be filed with those listed in Section 617.12 of Title 6 of NYCRR.~~

~~C. If the Town Board determines that a public hearing shall be held, notice shall be published in a town newspaper at least 14 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the DEIS may be sent and the date before which such comments shall be received. Said hearing shall commence no less than 15 days nor more than 60 days after the filing of the DEIS, except as otherwise provided where the Advisory Committee determines that additional time is necessary for the public or other agency review of the DEIS or where a different hearing date is required as appropriate under other applicable law.~~

~~§ 107-14. Negative declaration.~~

~~If, on the basis of the DEIS, comments received and the record of the public hearing, if one is held, the Town Board determines that an action will not have a significant effect on the environment, a negative declaration shall be filed pursuant to Section 617.12 of Title 6 of NYCRR, and the proposed action may be processed without further regard to this chapter.~~

~~§ 107-15. Final environmental impact statement.~~

~~A. If, upon review of the DEIS and comments received, the Advisory Committee recommends that an action may have a significant effect on the environment, the Town Board shall direct the Intake Officer to instruct the applicant to prepare a final environmental impact statement (FEIS) adhering to the following format:~~

- ~~(1) All revisions to the DEIS are marked as such.~~
- ~~(2) Copies or a summary of all substantive comments received are appended.~~
- ~~(3) The source of each comment is noted (whether made in writing or at a public hearing).~~
- ~~(4) The Advisory Committee's response to each of the comments.~~

~~B. The FEIS shall be prepared within 60 days after the filing of the DEIS or within 45 days after the close of the hearing, whichever last occurs; provided, however, that the Building and Plumbing Inspector may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.~~

~~C. Said FEIS shall be accompanied by a fee, as determined by Town Board resolution, to defray expenses of the town in evaluating the same or a fee to cover the costs to engage an outside consultant to review said FEIS, as regulated by 6 NYCRR Part 617.~~

~~§ 107-16. Notice of completion of FEIS.~~

~~A notice of completion of a FEIS shall be prepared, filed and sent by the Building and Plumbing Inspector pursuant to Section 617.12 of Title 6 of NYCRR.~~

~~§ 107-17. Time limits.~~

~~No decision to carry out or approve an action which has been the subject of an FEIS by the Advisory Committee or by any other agency shall be made until after the filing and consideration of the FEIS. The lead agency shall make a decision whether or not to approve the action not less than 10 days nor more than 30 days of the filing of the FEIS. It shall approve or disapprove the action based on criteria of Section 617.7(c) of Title 6 of NYCRR.~~

~~§ 107-18. Findings.~~

~~When the Town Board decides to undertake, fund, approve or disapprove an action, it shall make its findings in a written determination. The findings must:~~

~~A. Consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS.~~

~~B. Weigh and balance relevant environmental impacts with social, economic and other considerations.~~

~~C. Provide a rationale for the Town Board's decision.~~

~~D. Certify that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.~~

~~§ 107-19.107-13 Public access to records.~~

The town shall maintain open for public inspection files of all positive declarations, negative declarations, notices of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the lead agency.

~~§ 107-20.107-14 Severability.~~

If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall remain in full force and effect; to this end, the provisions of this chapter are hereby declared to be severable.

§ 407-21 107-15. When effective.

Upon adoption by the Town Board, this chapter shall take effect 10 days after its publication as required by the laws of the State of New York, except that this chapter shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the Corporate Seal of the town, showing the date of its passage and entry in the minutes. This chapter shall not apply to actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies.

Chapter 26. ~~Planning Board~~ **Development Advisory Committee**

§ 26-1. ~~Establishment; membership; terms of office.~~

Purpose: The Development Advisory Committee is created to assist in the implementation of the Town's Comprehensive Plan and to further the timely review of development actions which are within the jurisdiction of the Town Board. Such development actions include but are not limited to Site Plan Approvals, Special Use Permits, Rezoning Requests, Realty Subdivisions and Determinations of Environmental Significance pursuant to the State Environmental Quality Review Act (SEQRA). The Development Advisory Committee is established as an administrative body which shall offer advisory, non-binding recommendations to the Town Board, and shall consist of the following members: (1) the Town Engineer, (2) the Supervising Code Enforcement Officer, (3) the Traffic Control Officer of the Police Department, (4) the Zoning Board of Appeals Chairperson, (5) the Cheektowaga Conservation Advisory Council Chairperson, (6) the Traffic Safety Commission Chairperson, (7) the Town Planner and (8) the Fire Inspector or their designees. Additionally, a total of three members of the Public shall be appointed by the Town Board to serve on the Development Advisory Committee to each serve a term of three years from the date of appointment. Each public member shall not hold any public office and shall be residents of the Town of Cheektowaga. The Chairman of the Zoning Board of Appeals or his/her designee shall be an ex-officio member and shall not have voting privileges.

Upon the adoption of this chapter, the current membership of the Planning Board shall serve as the appointed members of the public as aforementioned. Each Planning Board member shall continue to serve out their remaining term as originally appointed to the Planning Board, as the public member of the Development Advisory Committee. Upon the expiration of the Planning Board Members terms, and when there is fewer than (3) three remaining original Planning Board members, the Town Board shall start to appoint a new Public member to the Development Advisory, for a term not to exceed three years.

~~To assist in the administration of the Code of the Town of Cheektowaga and implementation of the Comprehensive Plan, a Planning Board is hereby established. The membership of the Planning Board, which~~

presently consists of seven members, shall be decreased to five members upon the expiration of the terms of office of those present members of the Planning Board whose terms of office expire on December 31, 2009, and December 31, 2010. There is a vacancy in the position of one of the members whose term expires on December 31, 2011, and this position will remain vacant until after December 31, 2010. None of the Planning Board members shall hold any other public office in the Town or be members of the Town Board. The Town Board shall appoint one member as Chairperson. Efforts will be made to ensure that qualified members of the Planning Board represent a variety of ethnic, professional and civic groups in the Town. Terms of membership, presently seven years, shall become five years after the expiration of the existing terms of the members. Members of the Planning Board, appointed in accordance with the provisions of this Code as then in effect and in office when this section takes effect, shall continue to serve for the balance of the terms for which they were originally appointed.

§ 26-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICER

A representative of the Building Inspections Department of the Town of Cheektowaga.

PLANNING BOARD

The duly appointed Planning Board of the Town of Cheektowaga.

TOWN

The Town of Cheektowaga.

§ 26-3.26-2 Governing law.

The **Development Advisory Committee** ~~Planning Board~~ of the Town of Cheektowaga shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

§ 26-4.26.3 Training; responsibilities.

A.

Members of the **Development Advisory Committee** ~~Planning Board~~ shall adhere to the training requirements of Chapter 27 of the Town Code.

B.

The **Development Advisory Committee** ~~Planning Board~~ shall become familiar with all of the duly enacted ordinances and laws of the Town under which it may be expected to act, as well as all applicable state statutes.

C.

The **Development Advisory Committee** ~~Planning Board~~ shall become familiar with the community goals, desires and policies as expressed in the Town's Comprehensive Plan; and, in rendering ~~approvals~~, recommendations and reports, shall be guided by such plan.

§ 26-5.26-4 Attendance.

Members of the **Development Advisory Committee** ~~Planning Board~~ shall adhere to the training **attendance** requirements of Chapter 27 of the Town Code.

§ 26-6. Officers; vacancies.

A.

The officers of the Planning Board shall consist of a Chairperson, Acting Chairperson, and Recording Secretary.

B.

Chairperson. The Chairperson shall be designated by the Town Board or, on failure to do so, shall be elected by the Planning Board from its own members. He/She shall perform all the duties required by law, ordinance and these rules. He/She shall preside at all meetings of the Planning Board. The Chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Planning Board. The Chairperson may administer oaths and compel the attendance of witnesses as necessary to carry out the business of the Planning Board. The Chairperson's signature shall be the official signature of the Planning Board and shall appear on all decisions as directed by the Planning Board.

C.

Acting Chairperson. An Acting Chairperson shall be designated by the Planning Board to serve in the absence of the Chairperson. He/She shall have all the powers of the Chairperson during his/her absence, disability or disqualification.

D.

Recording Secretary. A Recording Secretary shall be designated by the Planning Board. The Recording Secretary, subject to the direction of the Planning Board and the Chairperson, shall keep minutes of all Planning Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of all Planning Board official actions. The Recording Secretary shall relay to the Town Board all actions of the Planning Board and the reasons therefor as expressed by the members of the Planning Board, as required by Chapter 260, Zoning. The Recording Secretary shall be responsible for calling special meetings of the Planning Board upon receiving a request from the Chairperson or by written request from any three members of the Planning Board.

E.

Vacancies. Should any vacancy on the Planning Board occur for any reason, the Recording Secretary shall give immediate notice thereof to the Town Clerk for the Town Board for the designation of a replacement. Should such a vacancy occur among the officers of the Planning Board subject to election by the Planning Board, such office shall be filled by election, for the unexpired term, at the next meeting of the Planning Board. Should the office of Chairperson become vacant, the Recording Secretary shall add such fact to the notice required in this section. The Acting Chairperson shall handle the duties of the Chairperson until such time as the Town Board shall appoint a new Chairperson.

§ 26-7.26-5 Meetings.

A.

Regular meetings. The regular meetings of the **Development Advisory Committee** Planning Board shall be held on the ~~second Thursday~~ **last Wednesday** of each month at ~~7:00~~ **3:30** p.m. in the Alexander Community Center Council Chambers, Town Hall, ~~3301 Broadway,~~ **275 Alexander Avenue**, Cheektowaga, New York; or at such other time as may be determined by the Chairperson of the **Development Advisory Committee** Planning Board.

B.

Annual meeting. The annual organizational meeting of the Planning Board shall be the first regular meeting of the year.

C.

Special meetings. Special meetings of the **Development Advisory Committee Planning Board** may be called by the Chairperson. At least 72 hours' written notice of the time, place and business of the meeting shall be given each member of the **Development Advisory Committee Planning Board** and the news media. The Chairperson shall call a special meeting within 10 days of receipt of a request from any three members of the **Development Advisory Committee Planning Board**, which request shall specify the matters to be considered at such special meeting.

D. Cancellation of meetings. Whenever there is no business to be conducted at a regular meeting, the Chairperson may dispense with such meeting by written notice to all members not less than 48 hours prior to the time set for such meeting.

§ 26-8. 26-6 Proceedings and rules of order.

A.

The order of business at regular meetings shall be as follows:

(1)

Roll call;

(2)

Reading and approval of minutes of preceding meeting;

(3)

Public hearing (when scheduled);

(4)

Action on held-over matters;

(5)

New business;

(6)

Adjournment.

B.

New business. No new matter will be considered unless the completed appropriate application for said matter is received by the **Town Planner enforcement officer** on behalf of the **Development Advisory Committee Planning Board** on the form provided for that purpose at least 30 days prior to the **Planning Board meeting-Development Advisory Committee**.

C.

Meeting agenda. The **Town Planner enforcement officer** shall be responsible, at the direction of the **Development Advisory Committee Planning Board**, for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed. ~~The Chairperson shall review all applications received by the enforcement officer for completeness.~~ If the application is in proper form for consideration, ~~he/she~~ **it** shall be placed upon the next meeting agenda, which agenda ~~he/she~~ shall be provided **to the applicant and the mail to all Planning Board members** at least seven days prior to the meeting. ~~In order to be placed on the agenda, such application must have been sent to the Erie County Department of Planning and at least 30 days shall have elapsed to give the Erie County Department of Planning adequate time to comment on same. He/She shall also notify the applicant that the matter has been placed on said agenda. If said application is incomplete, he/she~~ **it shall be returned** to the applicant within five days of receipt with

instructions as to remedying the same. ~~The Chairperson shall then report to the Planning Board, at the next meeting, as to all incomplete applications not on the agenda.~~

D.

~~Enforcement officer.~~ **Town Planner.** At each meeting of the ~~Planning Board~~ **Development Advisory Committee**, the ~~enforcement officer~~ **Town Planner** shall, if the Chairperson deems necessary, provide the ~~Planning Board~~ **Development Advisory Committee** with a written summary of the comments received on an application.

E. Fees. The applicant shall, when a public hearing is required, pay the charge for the publication of the notice of public hearing in the official newspaper.

F.

Executive meetings. All meetings will comply with the requirements of the Open Meetings Law (§ 105 of the Public Officers Law of the State of New York).

G.

The ~~Planning Board~~ **Development Advisory Committee** may, by resolution, adopt rules of procedure for its meetings. Such rules shall comply with the Open Meetings Law.

H.

Any member of the ~~Development Advisory Committee~~ **Planning Board** shall be allowed to cast an "Aye" or "Nay" vote. Any member of the ~~Development Advisory Committee~~ **Planning Board** who believes he/she has a conflict of interest on any matter on the ~~Development Advisory Committee~~ **Planning Board** agenda shall voluntarily excuse himself/herself from discussion and voting on the matter.

~~I.~~

~~All resolutions brought before the Planning Board shall be submitted to the Recording Secretary, in writing, and all communications to the Planning Board or its officers shall be filed with the Recording Secretary.~~

§ 26-9. 26-7 Hearings.

A.

Time of hearing. If a public hearing is **desired by the Development Advisory Committee** required, the ~~Planning Board~~ shall schedule a hearing of all applications within the time permitted by the applicable ordinance, law or regulation giving jurisdiction to the ~~Planning Board~~ in the matter but **such hearing shall be scheduled** not later than 62 days after the filing of the completed application.

B.

Notice of hearing. The ~~Planning Board~~ **Development Advisory Committee** shall give notice of the meeting at least five business days prior to the date thereof by publication in the official newspaper. The ~~Development Advisory Committee~~ **Planning Board** shall mail notices of the meeting to **affected land owners** the parties and to the members of the Town Board and, if required by §§ 239-l, 239-m and 239-n of the General Municipal Law, ~~to the Erie County Planning Board.~~

C.

Form of notice. Such notice shall state the name of the applicant, the location of the property involved, the general nature of the application involved, and the date, time and place of the hearing sought.

D.

Proceedings. The order of business at a hearing shall be as follows:

(1)

Roll call;

(2)

The Chairperson shall give a statement of the case;

(3)

The Chairperson shall read all correspondence and reports received thereon;

(4)

The applicant shall present his/her case;

(5)

Those in favor shall present their arguments;

(6)

Those opposed shall present their arguments;

(7)

Rebuttal by both sides;

(8)

Adjournment of hearing.

E. General rules. Any party may appear in person or by agent or by attorney;

~~F.~~

~~The Chairperson, or, in his absence, the Acting Chairperson, may administer oaths.~~

§ 26-10. 26-8 Voting.

A.

Quorum. A quorum shall consist of a majority of the members of the **Development Advisory Committee Planning Board**.

B.

No hearing or meeting of the **Development Advisory Committee Planning Board** shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be republished in accordance with the requirements of the applicable law.

C.

Voting. All matters shall be decided by roll call vote. Decisions on any matter before the **Development Advisory Committee Planning Board** shall require the affirmative vote of a majority of the **Development Advisory Committee Planning Board** unless otherwise specified herein. **The Zoning Board of Appeals Chairperson shall be an ex officio member and shall not have voting privileges.**

D.

A tie vote or favorable vote by a lesser number than the required majority shall be considered a **decision not to offer a recommendation** ~~rejection of the application under consideration.~~

E.

No member of the **Development Advisory Committee Planning Board** shall sit in hearing or vote on any matter in which he/*she* is personally or financially interested. Said member shall not be counted in establishing the quorum for such matter.

F.

No member shall vote on the determination of any matter requiring public hearing unless he has attended the public hearing thereon; however, where such member has familiarized himself with such matter by reading the record, he/she shall be qualified to vote.

§ 26-11. 26-9 Duties, powers and authority.

A.

Zoning referrals.

(1)

All matters requiring referral as specified by an ordinance or local law shall be so referred to the **Development Advisory Committee Planning Board** for its recommendation. Within a reasonable time after receipt of a full statement of such referred matter, the **Development Advisory Committee Planning Board** shall report its recommendations. If the **Development Advisory Committee Planning Board** fails to respond within the prescribed time, the referring board or agency may act without such report.

(2)

~~Prior to taking action on any matter which would cause change in the regulations or use of land or buildings on real property as specified in § 239-n of the General Municipal Law, the Planning Board shall make referrals to the Erie County Department of Planning having jurisdiction in accordance with §§ 239-l, 239-m and 239-n of the General Municipal Law. Within 30 days after receipt of a full statement of such referred matter, the Erie County Department of Planning to which referral is made shall report its recommendations thereon to the Planning Board, accompanied by a full statement of the reasons for such recommendations. If such planning agency disapproves the proposal, or recommends modification thereof, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after adoption of a resolution fully setting forth the reasons for such contrary action. The Chairperson shall read the report of the county planning agency at the public hearing on the matter under review. If such planning agency fails to report within such period of 30 days or such longer period as may have been agreed upon by it and the referring agency, the Planning Board may act without such report. However, if the Planning Board receives the report of the county planning agency after 30 days, but prior to final action by the Planning Board, then the Planning Board shall not act contrary to the recommendation by the county planning agency, except by a vote of a majority plus one of all of the members thereof.~~

B.

Powers and authorities. The **Development Advisory Committee Planning Board** shall have full power and authority to make such investigations, maps, reports and recommendations relating to the planning and development of the Town or other matters as referred to said Board by the Town Board or this Code. The **Development Advisory Committee Planning Board** shall have the power to act on any matter on which the **Planning Board Development Advisory Committee** is required or authorized to act by the provisions of the Town Code or any actions of the Town Board.

(1)

Site plan. Pursuant to the provisions of Chapter **260** of the Town Code (Zoning), the **Planning Board Development Advisory Committee** shall review all requests for site plan approval and shall offer a recommendation to the Town Board.

(2)

Rezoning and special permit requests. Pursuant to the provisions of Chapter **260** of the Town Code (Zoning), the **Planning Board Development Advisory Committee** shall review all requests for rezonings and special permits and shall offer a recommendation to the Town Board.

(3)

Realty subdivisions. Pursuant to the provisions of Chapter 260 of the Town Code (Zoning), the ~~Planning Board~~ **Development Advisory Committee** shall review all requests for realty subdivisions and offer a recommendation to the Town Board.

(4)

Aesthetics. The ~~Planning Board~~ **Development Advisory Committee** shall review the aesthetics of each site plan before it and shall offer a recommendation to the Town Board concerning same.

(5)

Architectural character/scale of buildings/building mass.

(a)

To encourage good qualities of exterior design and appearance and to relate such design and appearance to the site and its surroundings; to encourage building design and appearance which are appropriate to the site and its surroundings; and to prevent such designs and appearance as are unnecessarily offensive to visual sensibilities, the ~~Planning Board~~ **Development Advisory Committee** has the authority to recommend changes to the architectural design of buildings, the type of exterior building materials to be incorporated, the percentage of glass within wall faces, the color of buildings and other architectural features of individual buildings or building groups to promote interesting building designs within the Town and create places with character. Such recommendations can include changes to "franchise architecture" or architecture which is prototypical of a corporation or business. In acting on any recommendation to a proposed project with respect to architectural review, the ~~Planning Board~~ **Development Advisory Committee** shall take into consideration the following:

[1]

The natural features of the site and its surroundings, exterior design and the appearance of existing structures and the character of the district and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land;

[2]

The building, if erected or altered, would be in harmony with the purpose of this chapter; would not be visually offensive or inappropriate by reason of poor quality of exterior design, excessive similarity or striking visual discord in relation to the site surroundings; would not impair the use, enjoyment and desirability or reduce the values of properties in the area; would not be detrimental to the character of the neighborhood; would not prevent the most appropriate development and utilization of the site or of adjacent lands; and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community;

[3]

Excessive similarity or striking dissimilarity to another structure or structures located or proposed to be located on the same street or within 150 feet of the site which would, if erected, provoke one or more of the following effects:

[a]

Substantially identical or striking dissimilarity of facade (disregarding color);

[b]

Substantially identical or striking dissimilarity of size and arrangement of either doors, windows, porticoes, porches or other opening breaks or extensions in the facade, including reverse arrangements;

[c]

Visual offensiveness or other poor qualities of exterior design with respect to signs, harmony or discord of colors, or incompatibility of the proper structure with the terrain on which it is to be located, such as divergences of the height or levels of any part of the structure from the finished grade level.

(b)

In recommending approval of any architectural design, the ~~Planning Board~~ **Development Advisory Committee** may recommend appropriate conditions and safeguards. The Town Board shall also base its decision whether to accept the ~~Planning Board's~~ **Development Advisory Committee's** recommendations on the above criteria.

(c)

Pursuant to this section, the ~~Planning Board~~ **Development Advisory Committee** may assign certain of its members to an architectural review subcommittee, which shall be responsible for reviewing the architectural design of buildings and to report back to the whole ~~Planning Board~~ **Development Advisory Committee** as to its recommendations.

§ 26-12- 26-10. Determinations, Recommendations

A.

Time of ~~determinations~~ **Recommendations**. ~~Determinations~~ **Recommendations**. by the ~~Planning Board~~ **Development Advisory Committee** shall be made within the time permitted by the applicable ordinance, law or regulation giving jurisdiction to the ~~Planning Board on the matter~~ but not later than 62 days from the date of receipt of the completed application, unless such time be further extended by the applicant.

B. Form of ~~determination~~ **Recommendation**. The final ~~determination~~ **Recommendation** on any matter before the **Development Advisory Committee** ~~Planning Board~~ shall be made in the written minutes. ~~by written order signed by the Chairperson.~~

C.

Basis for ~~determination~~ **Recommendation**. The ~~Planning Board~~ **Development Advisory Committee**, in reaching said ~~determination~~, **recommendation** shall be guided by standards specified in the applicable ordinance, law or regulation, as well as by community goals and policies as specified in the Town's Comprehensive Plan.

D.

Findings. The findings of the ~~Planning Board~~ **Development Advisory Committee** may be based on evidence submitted or the personal knowledge of the ~~Planning Board~~ **Development Advisory Committee** to show that:

(1)

It has made an intelligent review of the question.

(2)

It has considered all of the information or evidence.

(3)

It has heard all parties in question.

(4)

Any intimate knowledge it has of the subject under question has been taken into account.

(5)

It has made a personal inspection of the parcel in question and from this examination certain findings were ascertained.

E.

Compliance with State Environmental Quality Review Act. The ~~Planning Board~~ **Development Advisory Committee** shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.

F.

Conflicts with other laws or regulations. In reviewing any application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

G.

Filing of ~~determinations~~ **Recommendation**. ~~Determinations~~ **Recommendations** of the ~~Planning Board~~ **Development Advisory Committee** shall be ~~immediately~~ **made in the written minutes** and filed in the office of the Town Clerk and shall be a public record. ~~The date of filing of each decision shall be entered in the official records and minutes of the Planning Board.~~

§ ~~26-13~~. 26-11 Use of experts.

The ~~Planning Board~~ **Development Advisory Committee** may, with the prior approval of the Town Board, have the power and authority to employ experts and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation, if any, that may be made for such **Development Advisory Committee** Planning Board.

Required Zoning Law Amendments associated with amending Chapter 26 and Chapter 107

§ 260-25RA Apartment District.

All developments shall be required to submit a site plan for approval pursuant to § ~~260-88~~. **260-29**

E.

Procedure for approval of multiple dwellings, dwelling groups, townhouses or garden apartments.

(1)

In order to improve ingress and egress and properly locate open space for purposes of public safety, no building permit shall be issued until a site plan (~~see Article XI, Definitions~~) has been approved by the Town Board, after recommendation by the ~~Planning Board~~ **Development Advisory Committee**. This shall include developments on private courts or streets as well as public streets.

(2)

The ~~Planning Board~~ **Development Advisory Committee** shall make its report to the Town Board within ~~60~~ **62** days following receipt of the proposed site plan and development. If no report has been received by the Town Board within the aforementioned period, it shall be assumed that the ~~Planning Board~~ **Development Advisory Committee** has no comment or recommendation to make on the subject.

§ 260-26RSC Senior Citizen Housing District.

E.

Senior citizen housing approval. Recommendation for approval of senior citizen housing by the ~~Planning Board~~ **Development Advisory Committee** shall be subject to the submission of a development plan as governed by § ~~260-84~~ of this chapter. Furthermore, the developer of senior citizen housing will submit a notarized affidavit indication that any future reuse of the senior citizen housing for anything other than senior citizen housing will not be permitted without approval by the Town Board.

§ 260-28 **General residential district provisions.**

~~Architectural approval. All new two family dwellings in any zoning district, except for the area defined in § 260-23A(1)(e)[3], and developments within the RA Apartment District shall be subject to architectural approval by the Planning Board.~~

§ 260-29 **Site plan review.**

Insert all of current section 260-47.1 Site Plan Approval, eliminate existing section number 260-47.1

~~A site plan shall be submitted for review by the Planning Board for all developments and for additions in excess of 350 square feet or change of use in all districts covered by the article.~~

§ 260-35 **Intent; site plan submission.**

A.

The intent of this article is to provide areas for manufacturing, processing, warehousing and other uses which generally involve truck traffic, noise and extensive outdoor storage/usage of the premises. These areas are typically located a distance from residential areas and are separated from residential areas by large expanses of retail/office use.

B.

A site plan shall be submitted for review by the ~~Planning Board~~ **Development Advisory Committee** for all developments and for additions in excess of 500 square feet or change of use in all districts covered by this article.

§ 260-42 **Modifications of requirements.**

B.

Joint facilities.

(3)

Where public off-street parking facilities are available, other than off-street parking provided for a public building, the ~~Planning Board~~ **Development Advisory Committee** may recommend to the Building Inspector a reduction up

to 25% in the number of required off-street parking spaces for uses located on any lot within 500 feet of such public parking facility.

~~§ 260-47.1~~ **Site plan approval. Relocate entire section to section 260-29, eliminate section number 260-467.1**

C.

Approval authority.

(1)

The authority to approve site plans shall be vested with the Town Board. The ~~Planning Board~~ **Development Advisory Committee** shall receive and review all site plans required by this article and shall offer a recommendation to the Town Board on the adequacy of the proposed site plan, consistent with the provisions of this article and consistent with its duties pursuant to Chapter 26 of the Town Code.

(2)

Actions which are deemed to be major, as defined below, shall also be referred to the following advisory committees for a recommendation to the Town Board:

(a)

~~The Town Environmental Advisory Committee (EAC), pursuant to Chapter 107 of the Town Code;~~

(b) (a)

The Traffic Safety Commission, pursuant to Chapter 36 of the Town Code;

(c) (b)

The Conservation Advisory Council, pursuant to Chapter 9 of the Town Code.

H.

~~Referral to Town Planning Board.~~ **Development Advisory Committee**

(1)

Within 62 days of receipt of a development review application for site plan approval, the ~~Planning Board~~ **Development Advisory Committee** shall schedule a public meeting with the applicant and render a recommendation to the Town Board. In its recommendation, the **Development Advisory Committee** ~~Planning Board~~ shall recommend the approval, disapproval or approval of the site plan with modifications. Any recommendation rendered shall be in writing and based on evidence of the proceedings and based on information contained within the site plan submittal. The recommended decision of the **Development Advisory Committee** ~~Planning Board~~ shall be filed in the office of the Town Clerk within five business days of the date of the

Development Advisory Committee ~~Planning Board~~ letter of recommendation being prepared, and a copy shall be mailed to the applicant by the Secretary of the ***Development Advisory Committee*** ~~Planning Board~~.

(2)

The failure of the ***Development Advisory Committee*** ~~Planning Board~~ to act within 62 days of receipt of a site plan application shall be deemed a recommendation for the approval of the site plan as submitted. The time period within which the ~~Planning Board~~ ***Development Advisory Committee*** shall render a recommendation may be extended by mutual consent of the applicant and the ***Development Advisory Committee*** ~~Planning Board~~. If requested by the applicant, the applicant shall make a written request to extend the time frame to the ***Development Advisory Committee*** ~~Planning Board~~ prior to the expiration of the initial sixty-two-day review period

I.

Town Board decision. The Town Board shall approve, deny or approve with modifications the site plan submitted to the ~~Planning Board~~ ***Development Advisory Committee***. The time frames for rendering a decision by the Town Board, as mandated pursuant to the State Environmental Quality Review Act (SEQRA), shall be observed in addition to the time frames allowed for this section.

J.

Failure to obtain site plan approval; penalties for offenses. Failure of an applicant to obtain site plan approval prior to commencing an activity requiring site plan approval under this section, or prior to the use or occupancy of land and structures in a manner that requires site plan approval under this section, shall be considered a violation punishable by the provisions of § 260-72A. In addition, the use or occupancy of land and structures without a site plan approval required under this section shall be subject to enforcement proceedings, including but not limited to injunction, as permitted under New York Town Law § 268.

K.

Severability. If any provision of this site plan review law or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this site plan review law or the application to other persons and circumstances.

§ 260-48.1 **Exterior dining areas.**

E.

Public safety; sanitation; off-street parking.

(1)

All exterior dining areas must provide barrier protection to prevent pedestrian conflicts with motor vehicle use areas or other pedestrian areas. Such barriers may be in the form of fencing, railings, or hard/soft landscaping features. The ~~Planning Board~~ **Development Advisory Committee** /Town Board may control the aesthetic quality of the barrier features through the site plan approval process.

§ 260-51 **Landscaping regulations.**

C. General provisions.

(1)

All developments in the RA, RSC, RMH Districts and all nonresidential developments shall meet the requirements of this section. A landscape plan pursuant to Subsection **D** shall be submitted to the ~~Town Planning Board~~ **Development Advisory Committee** as part of the review procedure.

(2)

The landscape plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate existing and proposed structures, uses, parking areas, access aisles, drainage patterns and the location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and including those existing plant materials that are to be removed, and such other information as may be required.

D.

Standards and criteria.

~~**(8)**~~

~~The requirements of Subsections **D** and **E** may be reduced if, after a study of the landscaping plan, the Planning Board recommends, in writing, to the Building Inspector that such reduction is justified.~~

~~**E.**~~

~~Existing development.~~

~~(1)~~

~~Existing development in all districts completed prior to the enactment of this section that require a rezoning, change of use or a building permit to expand in excess of 350 square feet shall comply with the requirements of this section prior to occupancy or use.~~

~~(2)~~

~~All other existing development shall comply with the requirements of this section, except that additional landscaping when required for such other existing development shall meet the following standards:~~

~~(a)~~

~~A landscaping strip a minimum of 10 feet wide shall be required along the entire front lot line and exterior side yard other than at permitted access driveways.~~

~~(b)~~

~~The installation of interior landscaping being a minimum of 5% of the area of parking areas designed for 350 or more cars shall be required.~~

~~(3)~~

~~The landscaping strip shall be installed no later than June 1, 1991, and the interior landscaping shall be installed no later than October 31, 1992.~~

F.

New development. New development shall be required to have landscaping in place and completed prior to occupancy or use of the property. In the event that seasonal conditions prevent completion of the required landscaping until the following planting season, the ~~Planning Board~~ **Code Enforcement Officer** shall set a completion date, and the owner shall post a certified check in the amount of 100% of the cost of the landscaping as verified by a landscape architect or **nurse professional**. Said certified check shall be made payable to the Town of Cheektowaga Town Clerk and shall be redeemable after completion and approval of said landscaping work by the stated completion date. In the event that the landscaping plan is not completed by the prescribed date, the owner shall forfeit the deposited amount, and the Town shall authorize installation of said landscaping.

§ 260-59 Supplemental lot size and open space regulations.

(h)

Enclosures for utilities serving a building or buildings located on the premises, provided the enclosure is located a minimum of 25 feet from any street property line, is a maximum outside height of 56 inches, maximum outside width of 52 inches and a maximum length of 130 inches. Landscaping, ~~approved by the Planning Board~~, must be provided around the enclosure to screen the enclosure from public roads.

§ 260-85 ~~Amendment procedure.~~

A.

Filing of petition. A petition to amend, change or supplement the text of this chapter or any zoning district as designed on the Zoning Map established herein shall be filed with the Town Clerk, along with a filing fee as set by Town Board resolution, on forms obtained from his office and shall be transmitted by the Clerk to the Town Board.

B.

Referral to ~~Planning Board~~. **Development Advisory Committee** Each proposed amendment, except those initiated by the Town **Development Advisory Committee** ~~Planning Board~~, shall be referred to the **Development Advisory Committee** ~~Town Planning Board~~ for an advisory report prior to the public hearing on said zoning change. In reporting, the **Development Advisory Committee** ~~Town Planning Board~~ shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes make the amendment desirable and shall state whether such amendment is in harmony with a Comprehensive Plan for land use in the Town.

C.

Rehearing on petition. The disposition of a petition for amendment by the Town Board shall be final, and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, and no public hearing shall be held on such amendment, within a period of one year from the date of such previous denial, unless the ~~Planning Board~~ **Development Advisory Committee** shall find that there have been substantial changes in the situation which would merit a rehearing and shall state the same in writing to the Town Clerk before he accepts a reapplication on this petition.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Town Code Amendments to Chapter 26, Chapter 107 and Chapter 260		
Project Location (describe, and attach a general location map): Cheektowaga Township, excluding Villages of Sloan and Depew		
Brief Description of Proposed Action (include purpose or need): Modifications of existing local law for implementing SEQR to coincide with part 617 of NYCRR and modifications of existing local law for the Planning Board, repealing such board and creating a Development Advisory Committee; and modifications to the Zoning Law to recognize such new advisory committee.		
Name of Applicant/Sponsor: Town of Cheektowaga	Telephone: 716-686-3400	E-Mail:
Address: 3301 Broadway		
City/PO: Cheektowaga	State: New York	Zip Code: 14227
Project Contact (if not same as sponsor; give name and title/role): Daniel J. Ulatowski, AICP, Town Planner	Telephone: 716-686-3567	E-Mail: dulatowski@tocny.org
Address: 275 Alexander Avenue		
City/PO: Cheektowaga	State: New York	Zip Code: 14211
Property Owner (if not same as sponsor):	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Not associated with a specific site, code amendments apply to entire Township, excluding Villages of Sloan and Depew _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? N/A

b. What police or other public protection forces serve the project site?
N/A

c. Which fire protection and emergency medical services serve the project site?
N/A

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
 b. Total acreage to be physically disturbed? _____ acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed _____
- expected acreage of aquatic vegetation proposed to be removed _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project?

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____
 ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

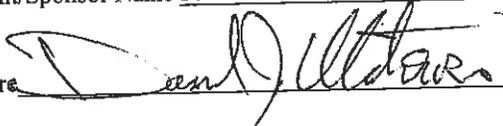
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Daniel J. Ulatowski, AICP Date March 13, 2017

Signature  Title Town Planner



Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Vickie L. Dankowski
Telephone: 716-686-3434

193

March 15, 2017

Lancaster Town Clerk .
21 Central Avenue
Lancaster, NY 14086

Dear Lancaster Town Clerk :

Please be advised that the Town Board, at a meeting held on March 14, 2017 7:00 PM, considered the following resolution(s):

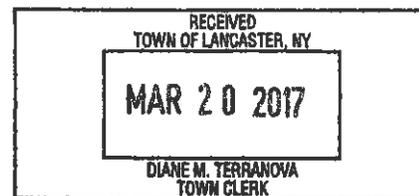
Resolution RES-2017-160 **Adopted as Amended [Unanimous]**
Call for Public Hearing on Local Law Intro No. 1 of the Year 2017 to Amend Chapter 107 of the Town Code

Resolution RES-2017-161 **Adopted as Amended [Unanimous]**
Call for Public Hearing on Local Law Intro 2 of the Year 2017 to Amend Chapter 26 of the Town Code

Resolution RES-2017-162 **Adopted as Amended [Unanimous]**
Call for Public Hearing on Local Law Intro No. 3 of the Year 2017 - A Local Law to Amend the Zoning Law

Sincerely Yours,

Vickie L. Dankowski
Vickie L. Dankowski
Town Clerk





RESOLUTION 2017-160

**Call for Public Hearing on Local Law Intro No. 1 of the Year
2017 to Amend Chapter 107 of the Town Code**

WHEREAS, by resolution dated October 21, 1985, Chapter 107 of the Town Code, entitled "Environmental Impact Review" was adopted; and

WHEREAS, the Petitions Committee has recommended that said Chapter be amended as follows:

1. Chapter 107. Environmental Impact Review: Amend said Chapter to be consistent with the requirements of section 617.14 of the State Environmental Quality Review Act Regulations which provide a review procedure for evaluating whether proposed actions undertaken privately or by the Town of Cheektowaga may have an adverse impact on the environment, as well as amendments to related references therein; and

WHEREAS, a draft of such amendment has been prepared by the Town Building Department; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 28th day of March, 2017 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "Local Law Intro No. 1 of the year 2017, A local law to Amend Chapter 107 of the Town Code; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution and the attached Notice of Hearing to the Erie County Department of Environment and Planning, the City of Buffalo, and the Towns of West Seneca, Amherst and Lancaster, and the Villages of Sloan and Depew.

◆

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 28th day of March, 2017, at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 1 of the Year 2017, entitled "A Local Law to Amend Chapter 107 of the Town Code of the Town of Cheektowaga". Following is a synopsis of the proposed Local Law Intro No. 1 of the year 2017:



Local Law Intro No. 1 of the Year 2017 - A Local Law to Amend Chapter 107 of the Town Code of the Town of Cheektowaga

This local law would amend Chapter 107 of the Town Code of the Town of Cheektowaga as follows:

1. Chapter 107. Environmental Impact Review: Amend said Chapter to be consistent with the requirements of section 617.14 of the State Environmental Quality Review Act Regulations which provide a review procedure for evaluating whether proposed actions undertaken privately or by the Town of Cheektowaga may have an adverse impact on the environment, as well as amendments to related references therein.

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where same may be examined during regular working hours.

Dated: 14 March 2017

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

VICKIE L. DANKOWSKI, Town Clerk

COMMENTS - Current Meeting:

Motion by Councilmember Kaminski, Seconded by Councilmember Adamczyk to amend resolution to read "public hearing be held on the 28th day of March, 2017 at 7:00 PM". Motion Carried.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer, Magierski
EXCUSED:	Timothy J. Meyers

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Tuesday, March, 14, 2017,
and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, March, 15, 2017.

Vickie L. Dankowski

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



RESOLUTION 2017-161

**Call for Public Hearing on Local Law Intro 2 of the Year 2017
to Amend Chapter 26 of the Town Code**

WHEREAS, by resolution dated July 19, 2004, Local Law No. 4-2004, Chapter 26 of the Town Code, entitled "Planning Board," was adopted; and

WHEREAS, the Petitions Committee has recommended that said Chapter be amended as follows:

1. Chapter 26. Planning Board: Rename said Chapter 26 and create the "Developmental Advisory Committee" for the purpose of assisting in the implementation of the Town's Comprehensive Plan and to further the timely review of development actions which are within the jurisdiction of the Town Board, as well as amendments to related references therein; and

WHEREAS, a draft of such amendment has been prepared by the Town Building Department; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 28th day of March, 2017 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2 of the year 2017, A Local Law to Amend Chapter 26 of the Town Code; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution and the attached Notice of Hearing to the Erie County Department of Environment and Planning, the City of Buffalo, and the Towns of West Seneca, Amherst and Lancaster, and the Villages of Sloan and Depew.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 28th day of March, 2017, at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 2 of the Year 2017, entitled "A Local Law to Amend Chapter 26 of the Town Code of the Town of Cheektowaga". Following is a synopsis of the proposed Local Law Intro No. 2 of the year 2017:



Local Law Intro No. 2 of the Year 2017 - A Local Law to Amend Chapter 26 of the Town Code of the Town of Cheektowaga

This local law would amend Chapter 26 of the Town Code of the Town of Cheektowaga as follows:

1. Chapter 26. Planning Board: Rename said Chapter 26 and create the "Developmental Advisory Committee" for the purpose of assisting in the implementation of the Town's Comprehensive Plan and to further the timely review of development actions which are within the jurisdiction of the Town Board, as well as amendments to related references therein.

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where same may be examined during regular working hours.

Dated: 14 March 2017

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

VICKIE L. DANKOWSKI, Town Clerk

COMMENTS - Current Meeting:

Motion by Councilmember Kaminski, Seconded by Councilmember Adamczyk to amend resolution to read "public hearing be held on the 28th day of March, 2017 at 7:00 PM". Motion Carried.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer, Magierski
EXCUSED:	Timothy J. Meyers

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*

in said *County of Erie*, on Tuesday, March, 14, 2017,
and that the same is a correct and true transcript of such original resolution and the whole thereof.

(Seal)

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, March, 15, 2017.

Vickie L. Dankowski

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



RESOLUTION 2017-162

**Call for Public Hearing on Local Law Intro No. 3 of the Year
2017 - A Local Law to Amend the Zoning Law**

WHEREAS, by resolution dated January 21, 1992, local Law No. 1 of the Year 1992 of the Town of Cheektowaga, entitled "A Local Law Relating to Zoning" was adopted, and

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to reflect required changes made necessary by proposed Local Law Intro No. 1 of the year 2017 and Local Law Intro No. 2 of the year 2017, and

WHEREAS, proposed revisions include substituting the name of the Development Advisory Committee for the Planning board wherever mentioned, and revising various sections to correctly reference changes made necessary by proposed Local Law Intro No. 1 of 2017 and Local Law Intro No. 2 of 2017; and

WHEREAS, a draft of such amendment has been prepared by the Town Building Department; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 28th day of March, 2017 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 3 of the year 2017, A Local Law to Amend the Zoning Law of the Town of Cheektowaga; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution and the attached Notice of Hearing to the Erie County Department of Environment and Planning, the City of Buffalo, and the Towns of West Seneca, Amherst and Lancaster, and the Villages of Sloan and Depew.

◆

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 28th day of March, 2017, at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 3 of the Year 2017, entitled "A Local Law to Amend the Zoning Law of the Town of Cheektowaga". Following is a synopsis of the proposed Local Law Intro No. 3 of the year 2017:



**Local Law Intro No. 3 of the Year 2017 - A Local Law to Amend the Zoning Law of the
Town of Cheektowaga**

This local law would amend Chapter 260 of the Town Code of the Town of Cheektowaga as follows:

1. Proposed revisions include substituting the name of the Development Advisory Committee for the Planning board wherever mentioned, and revising various sections to correctly reference changes made necessary by proposed Local Law Intro No. 1 of 2017 and Local Law Intro No. 2 of 2017;

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where same may be examined during regular working hours.

Dated: 14 March 2017

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

VICKIE L. DANKOWSKI, Town Clerk

COMMENTS - Current Meeting:

Motion by Councilmember Kaminski, Seconded by Councilmember Adamczyk to amend resolution to read "public hearing be held on the 28th day of March, 2017 at 7:00 PM". Motion Carried.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Diane Benczkowski, Supervisor
SECONDER:	Linda Hammer, Councilmember
AYES:	Benczkowski, Rogowski, Kaminski, Adamczyk, Hammer, Magierski
EXCUSED:	Timothy J. Meyers

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

ss:

This is to certify that I, *Vickie L. Dankowski*, Clerk of the *Town of Cheektowaga*, in the *said County of Erie*, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the *Town of Cheektowaga*.

in said *County of Erie*, on Tuesday, March, 14, 2017,
and that the same is a correct and true transcript of such original
resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Town on *Wednesday, March, 15, 2017*.

Vickie L. Dankowski

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

New York State Citizens Against Puppy Mills
P.O. Box 127 Alden, New York 14004
Jcdickinson66@yahoo.com

March 2017

TC - FOR COMM.
COPY TO DCO

Dear Ms. Coleman,

This is an invitation to a special educational event sponsored by New York State Citizens Against Puppy Mills (CAPM) on Saturday, April 22, 2017. We are having speakers with firsthand knowledge of the horrors of the mills. We will also be viewing a new documentary "Dog by Dog".

Location of the event is Town Line Lutheran Church 1159 Town Line Rd @ Broadway Alden, NY 14004, which is only 15 minutes from the airport.

CAPM's mission is to educate the public about the abuse and neglect of the breeding dogs in the mills, as well as, enlighten attendees about various actions they can personally take to help these dogs. 'ADOPT, DON'T SHOP' is the motto we ask you do pass along to friends, as buying puppies from a pet store or online just keeps the endless cycle of abuse going.

Sign in and networking time will be from 8AM to 8:45AM, the program will start at 9 and end by 3PM.

We will have light breakfast refreshments and will supply lunch to all attendees. We are requesting a \$5 optional donation to cover the cost of the food.

Preregistration is preferred for planning purposes, but walk-ins are welcome. Please send your name, address, phone number, email address and check to CAPM PO Box 127 Alden, NY 14004 by April 18.

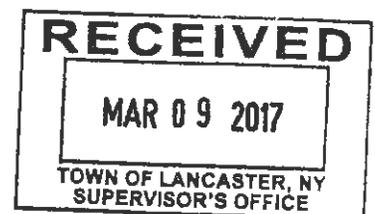
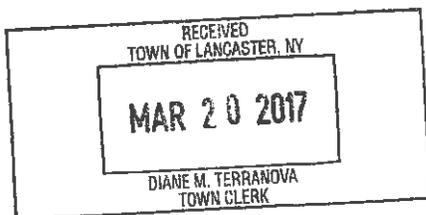
We certainly hope you will attend and bring family, friends and share with anyone you think would be interested in this informative event.

Sincerely,

Jeanette Dickinson

President

(716) 681-3966



195

E-CO-RIDE AND DRIVE

Thursday, April 20, 2017

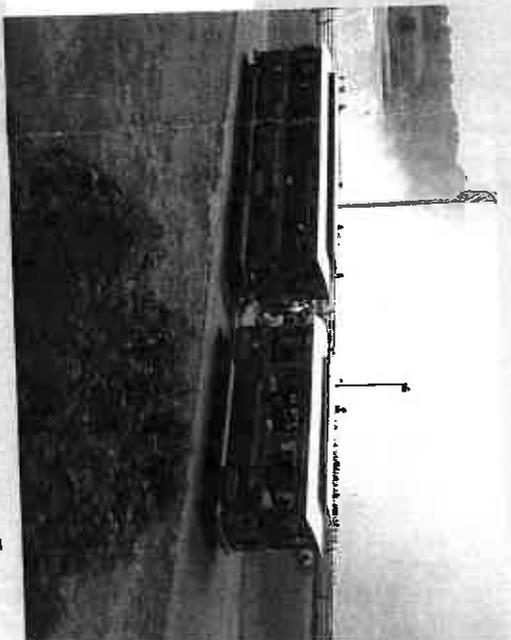
Niagara Falls State Park

Goat Island Road - Parking Lot #3

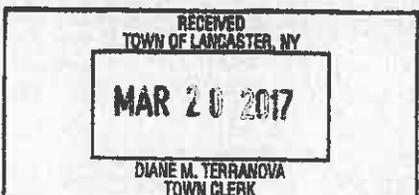
● 10:00 AM - 3:00 PM ● Free to Attend

Test Drive Tomorrow's Green-Fleet Vehicles Today

- Hybrids
- CNG LD/HD
- Electric
- Off Road/On Road
- Construction and Maintenance Equipment



For information and to register visit: www.ccofwny.org/events.html





Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.
Town Attorney
kloftus@lancasterny.gov

Leza E. Braun
Legal Assistant

March 20, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Planning Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

RE: Schuster 3-Lot Subdivision #1610-Final Plat
Haskell Drive @ Harris Hill
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated March 16, 2017 from the Erie County Department of Environment and Planning on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

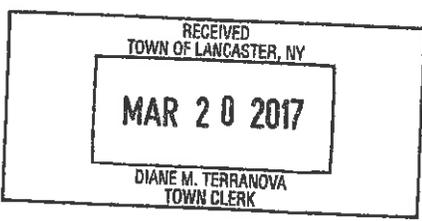
Very truly yours,

Kevin E. Loftus, Esq.
Town Attorney

KEL:lb

Enc.

CC: Supervisor
Building Inspector
Town Clerk
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE
Case No.: SP-17-154
Postmark/Delivery Date: 3/23/17

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, replay is received at any time prior to municipal action, such reply must be considered.

RECEIVED
TOWN OF LANCASTER, N.Y.
MAR 20 2017
TOWN ATTORNEY

Description of Proposed Action

1. Name of Municipality: Town of Lancaster

2. Hearing Schedule: Date — Time — Location —

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows Haskell Drive at
Harris Hill Rd.

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Schuster 3-lot Haskell Dr. Subdivision #1610
3 single family homes, Final Plat

8. Other remarks: (SBL#, etc.) Haskell Drive at Harris Hill Rd.

9. Submitted by: Kevin E. Loftus - Town Attorney
21 Central Ave. Lancaster NY, 14086

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3/2/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Comment on Proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: [Signature] Date: 3/16/17



Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.

Town Attorney
kloftus@lancasterny.gov

Leza E. Braun

Legal Assistant

March 20, 2017

Mr. David Denk
Regional Administrator
N.Y.S. DEC
270 Michigan Avenue
Buffalo, New York 14203-2999

Mr. Matt Salah
Coordinator of Construction Projects
Division of Sewerage Management
95 Franklin Street
Buffalo, New York 14202

Mr. Garrett Hacker
Erie County DPW
Division of Highway
95 Franklin Street
Buffalo, New York 14202

Mr. Ed Rutkowski
Planner
NYS DOT
100 Seneca Street
Buffalo, New York 14203

Ms. Dolores Funke
Erie County Health Department
503 Kensington Avenue
Buffalo, New York 14214

Ms. Mariely Ortiz
Review Planner
Erie County DEP
95 Franklin Street
Buffalo, New York 14202

Re: Coordinated Reveiw
Site Plan Design #1519 for Joseph David Rezone Application
Wehrle Drive-Angry Buffalo
Town of Lancaster, County of Erie

All:

Please be advised that a private developer has submitted a Site Plan for the construction of 26,400 s.f. building for flag football games to be located on Wehrle Drive on a ± 8.57 acre parcel and which the Town has determined to be a "Type I" Action under SEQR.

The Town Board of the Town of Lancaster advised the developer that an Application and Environmental Assessment Form (EAF) was to be submitted to the Town of Lancaster in order to commence a review of the proposed project under SEQRA.

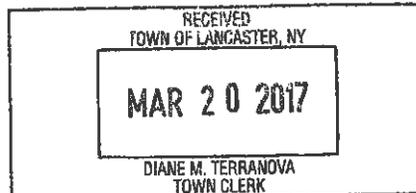
The developer has now submitted the application and EAF and the Town Board of the Town of Lancaster is now notifying all other agencies which may be involved in the approval of this project to review this plan in coordination with the rezone application previously submitted.

The anticipated impact of this project is primarily of local significance and the Town of Lancaster desires to act as lead agency in investigation and review of the proposed action.

Very truly yours,

Kevin E. Loftus
Town Attorney
KEL:lb

Encs.
cc: Supervisor
Town Clerk
Building Inspector
Town Engineer





Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.

Town Attorney
kloftus@lancasterny.gov

Leza E. Braun
Legal Assistant

March 17, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Planning Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

RE: Schuster 3-Lot Subdivision #1610-Final Plat
Haskell Drive @ Harris Hill
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated March 16, 2017 from the New York State Department of Transportation on the above-referenced project for your review.

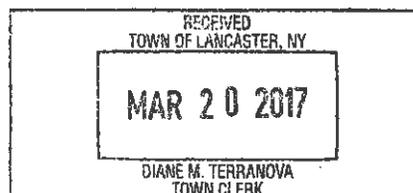
Should you have any questions or concerns, please call me.

Very truly yours,

Kevin E. Loftus, Esq.
Town Attorney
KEL:lb

Enc.

CC: Supervisor
Building Inspector
Town Clerk
Town Engineer



Leza Braun

From: Rutkowski, Edward (DOT) <Edward.Rutkowski@dot.ny.gov>
Sent: Thursday, March 16, 2017 1:27 PM
To: Kevin Loftus
Cc: Leza Braun
Subject: 3 Lot Subdivision, Haskell Drive at Harris Hill Road, Town of Lancaster

Kevin,

New York State Department of Transportation (NYSDOT) reviewed the information submitted for the subject project and has the following comment:

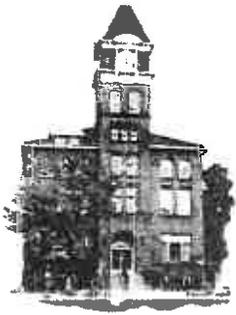
- The proposed project will not have a significant impact to traffic on the State Highway System. Also, based on the information submitted, a NYSDOT Highway Work Permit will not be required since there is no proposed work located within the State Highway Right-of-Way.

If you have any questions please contact me either by email or phone.

Sincerely,
Ed Rutkowski

Edward S. Rutkowski, P. E.
SEQR/Site Plan Review Coordinator
NYSDOT - Region 5
100 Seneca Street
Buffalo, New York 14203
716-847-3575





Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.
Town Attorney
kloftus@lancasterny.gov

Leza E. Braun
Legal Assistant

March 20, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Planning Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

RE: Basil Resale Center Addition #1700
5111 Transit Road
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find an email SEQR response dated March 16, 2017 from the Erie County Department of Environment and Planning on the above-referenced project for you review.

Should you have any questions or concerns, please call me.

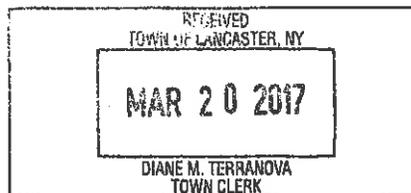
Very truly yours,

Kevin E. Loftus, Esq.
Town Attorney

KEL:lb

Enc.

CC: Supervisor
Town Clerk
Building Inspector
Town Engineer



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: SP-179
Received: 3/10/17

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipality may take final action without considering such reply. If, however, reply is received at any time prior to municipal action, such reply must be considered.

RECEIVED
TOWN OF LANCASTER, NY
MAR 20 2017
TOWN ATTORNEY

Description of Proposed Action

1. Name of Municipality: Town of Lancaster

2. Hearing Schedule: **Date** 4/17/2017 **Time** 7:00pm **Location** 21 Central Avenue, Lancaster

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows 5111 Transit Road
Lancaster, NY 14086

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Joe Basil Resale Center 700 SF Addition

8. Other remarks: (ID#, SBL#, etc.) SBL#115.09-1-1.11

9. Submitted by: Kevin E. Loftus, Esq. Town Attorney 3/9/17
21 Central Avenue, Lancaster, New York 14086

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3-14-16. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: *Mark Rountree* Date: 3/16/17

Johanna M. Coleman

From: Keith Kerl
Sent: Monday, March 20, 2017 3:15 PM
To: Gerald Gill; William Karn; Johanna M. Coleman
Cc:
Subject: Retirement effective 03/31/2017

TC - For Comm

Be advised that I have officially notified the NYS Retirement System that I am retiring from the Lancaster Police Department.

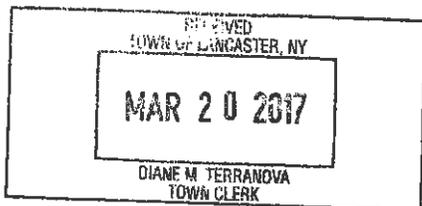
My retirement date is effective 03/31/2017

Regards,

Detective Keith S. Kerl

Lancaster Police Department
525 Pavement Road
Lancaster, NY 14086

Office 716-683-3120 ext. 110
Fax 716-681-6779
Email: kkerl@police.lancasterny.gov



DIANE M. TERRANOVA, TOWN CLERK
TOWN OF LANCASTER
21 CENTRAL AVE.
LANCASTER, N.Y. 14086
AREA CODE 1-716 683-9028

COPY

March 21, 2017

Mr. Gerald J. Gill, Jr. Police Chief
Town of Lancaster
525 Pavement Road
Lancaster, New York 14086

Mr. Matthew Fischione, Code Enforcement Officer
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Re: Application for a Game Room License -
Regal 16 Cinemas - 6707 Transit Road
Chapter 17 of the Code of the Town of Lancaster

Gentlemen:

Enclosed is a copy of the above referenced application. Kindly review this application and indicate to me whether you approve or disapprove of the issuance of a license to this applicant.

Sincerely yours,

OFFICE OF THE TOWN CLERK



Diane M. Terranova
Town Clerk

DMT/dm

Encl.

File: License/licgame.rm (P6)

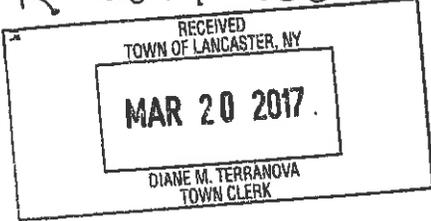
COPY

COPY

COPY

COPY

K-3874-600.00



TOWN OF LANCASTER
21 Central Avenue
Lancaster, New York 14086
Office Of The Town Clerk

APPLICATION TO MAINTAIN AND OPERATE A GAME ROOM OR AMUSEMENT ARCADE

Address of Game Room or Amusement Arcade:

6707 Transit Road
LANCASTER, NY 14086

INFORMATION ON APPLICANT

Name of applicant: Tricorn Amusements INC.
Street Address: 5 Veronica Avenue
City/Town/Village: Somerset, NJ 08873
Phone: (Home) 732-846-7767 (Office) _____

Corporate Applicants: Use Exhibit "A" to list the name, address, corporate position, date of birth and past five (5) year residences of each corporate officer, director, or holder of ten percent (10%) or more of corporate stock of the applicant corporation.

Co-partnerships Applicants: Use Exhibit "A" to list information on partners.

Individual Owner Applicants: Use Exhibit "A" to list information on self.

INFORMATION ON PROPERTY OWNER (IF NOT THE APPLICANT)

Name Regal Entertainment Group Date of Birth ___/___/___
Address 7132 Regal Lane Knoxville, TN 37918
List prior address (past 5 years)
Same

INFORMATION ON GAME ROOM OPERATOR OR LESSEE (IF NOT THE APPLICANT)

Name: _____ Date of Birth ___/___/___

Street Address: _____

City/Town/Village: _____

Phone: (Home) _____ (Office) _____

List prior address(es) (past 5 years)

INFORMATION ON GAME ROOM AND AMUSEMENT DEVICES

- 1) List of Exhibit "B" attached to this application the number and type of devices proposed for the location.
- 2) Attach a floor plan to this application and mark it Exhibit "C" The floor plan must show the following:
 - a) The space to be occupied approximately detailed and dimensioned showing the exit ways and widths of same.
 - b) The arrangement of the game machines as proposed to be placed in the game room and any other accessory or appurtenant facilities within the room.
- 3) What is the occupancy capacity of the game room? _____ persons.

Game Room is off Theatre Lobby No occupancy cap posted

INSURANCE REQUIREMENT

Applicant must attach to the application Certificates of Insurance indicating current insurance coverage for Worker's Compensation and Disability Benefits Insurance on the applicant's employees.

Charles T. Peitz Date: 3/10/17

(Name of Applicant)

Charles T. Peitz President

(Signature and Title)

ANNUAL LICENSE FEES

\$ 100.00 Non-refundable application fee

\$ 500.00 Annual license fee. (The annual fee for a game room license shall be \$500.00 plus \$60.00 for each machine over eight (8).

\$ 600.00 Total Fee

EXHIBIT "A"
INFORMATION ON APPLICANT

Name Charles T. Peitz Date of Birth 11/13/1953

(Circle Status) Officer Director - 10% Stockholder - Partner - Owner

Street Address: 5 Veronica Avenue

City/Town/Village: Somerset, NJ 08873

Phone: (Home) _____ (Office) 732-846-7767

List prior address (past 5 years)

Same

Name _____ Date of Birth ___/___/___

(Circle Status) - Officer - Director - 10% Stockholder - Partner - Owner

Street Address: _____

City/Town/Village: _____

Phone: (Home) _____ (Office) _____

List prior address (past 5 years)

Name _____ Date of Birth ___/___/___

(Circle Status) - Officer - Director - 10% Stockholder - Partner - Owner

Street Address: _____

City/Town/Village: _____

Phone: (Home) _____ (Office) _____

List prior address (past 5 years)

ACKNOWLEDGMENTS

INDIVIDUAL

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this ___ day of _____, 20___, before me personally appeared _____, the petitioner, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same for the purpose herein stated.

Notary Public or Deputy Town Clerk

CORPORATE

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this 13th day of March, 2017, before me personally appeared Charles T. Reitz, to me known, who, being by me first duly sworn, did depose and say that he resides in Somerset, NJ, that he is the President of Trivert Amusements INC. the corporation described in and which executed the foregoing instrument; that he knows the Corporate Seal of said corporation; that the Corporate Seal affixed to said instrument is such Corporate Seal; that it was affixed by order and authority of the Board of Directors of said corporation; and that he signed his/her name thereto by like order and authority for the purposes herein stated.

ANGELA TINSMAN
NOTARY PUBLIC OF NEW JERSEY
Comm. # 2411833
My Commission Expires 8/31/2021

Angela Tinsman
Notary Public or Deputy Town Clerk

CORPORATE SEAL

CO-PARTNERSHIP

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this ___ day of _____, 20___, before me personally appeared _____, the petitioner, to me known and known to me to be one of the firm of _____ described in and who executed the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm, for the purposes therein stated.

Notary Public or Deputy Town Clerk

CORPORATE SEAL

Diane Terranova

From: Paul Wolf <paulwolf2@gmail.com>
Sent: Monday, March 20, 2017 2:46 PM
To: Diane Terranova
Subject: Lancaster Website
Attachments: Coalition Website Report.doc

The Buffalo Niagara Coalition for Open Government recently released a report regarding local government websites.

A copy of the report is attached. Please place this report on the next meeting agenda of the Lancaster Town Board. It is our hope that this report is viewed as constructive criticism and that Lancaster will make an effort to improve their website.

I welcome the opportunity to discuss the report and to work together with you in making changes to your website.

Paul Wolf, Esq.
President
Buffalo Niagara Coalition for Open Government

**Buffalo Niagara Coalition
for
Open Government**

Local Government Website Report Card

March 15, 2017

Buffalo Niagara Coalition for Open Government

The Buffalo Niagara Coalition for Open Government is a nonpartisan charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Mission Statement:

Through education and civic engagement, the Buffalo Niagara Coalition for Open Government advocates for open, transparent government and defends citizens' right to access information from public institutions at the city, county, and state levels.

Statement of Purpose:

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens, so access to public information should be simple. Freedom of Information Laws and the NY Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The Buffalo Niagara Coalition for Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement and builds trust in government.

Buffalo Niagara Coalition for Open Government

Board of Directors

Paul Wolf	President
Brian Hellner	Vice President
James Tricoli	Vice President
Edward McKee	Treasurer
Susan Kims	Director
Jonathan Manes	Director

The following members also contributed to the completion of this report: **Andrew Banchich, Nancy Correa, Ellen Correa, Matthew Austin, Nora Mikes, Kenneth Foit, Janet Massaro, Lisa Kenney, Karen Lyle, Stephen Lyle, Paulette Glasgow**

Our meetings are typically held at 5:30 p.m. the last Tuesday of the month, at either the Williamsville Library or Williamsville Village Hall on Main Street. Board President Paul Wolf, Esq. can be contacted at 435-4976, or by email at paulwolf2@gmail.com. Our website is www.nyopengov.org and we have a Facebook page.

EXECUTIVE SUMMARY

The Buffalo Niagara Coalition for Open Government evaluated the websites of sixteen municipalities in Erie and Niagara County.

Websites were evaluated in ten key areas; up to ten points were awarded for each area as follows.

- 1) The posting of meeting agendas and entire board packets for 5 years
- 2) The posting of meeting minutes in a timely fashion for 5 years
- 3) Citizens are provided an opportunity to speak prior to board members voting
- 4) Meetings are video recorded and posted online
- 5) Telephone numbers and email addresses are posted for all elected officials
- 6) Telephone numbers and email addresses posted for all department heads
- 7) Instructions and forms on how to file a FOIL request are on the home page
- 8) Financial disclosure forms for elected officials are posted
- 9) Citizens can sign up to receive email notification of meetings & public hearings
- 10) Five years of budgets are online

A 90% failure rate (14 out of 16 municipalities) for not making this information fully available to the public is unacceptable!

MEETING AGENDAS

Citizens should have access to the same documents that their elected officials are addressing in public meetings. A two-page agenda that simply states the topic of the items being addressed is insufficient.

In 7 out of the 16 local governments evaluated the meeting agendas posted online do not contain copies of the documents that board members had for review (Wheatfield, Town of Lancaster, City of Lockport, Town of Lockport, Town of Hamburg, Town of Lewiston and the Village of Lewiston).

POSTING OF MEETING AGENDAS & MINUTES

The basic task of posting agendas and minutes has to be given greater priority in many local governments, as they are weeks or months behind in some communities.

In 6 out of the 16 local governments evaluated, meeting minutes and agendas are not being posted timely. (City of Lockport, Town of Lockport, Town of Lewiston, W. Seneca, Town of Lancaster, Niagara Falls).

The most recent meeting agenda posted online in the City of Lockport is November 2016! The Niagara County Legislature after becoming aware of this study began posting meeting minutes in January 2017. There are no meeting minutes whatsoever for the Niagara County Legislature prior to 2017!

OPPORTUNITY FOR CITIZENS TO BE HEARD

Citizens should be provided the opportunity to speak at the beginning of a local government meeting to state their opinion and concerns before elected officials vote. While citizens are provided the opportunity to speak at committee meetings of the Erie County Legislature and the Buffalo Common Council, they are not given the opportunity to speak at full meetings of the Erie County Legislature, Buffalo Common Council or the Niagara County Legislature. Speaking before committee meetings only does not give citizens the opportunity to address all elected members. In the Town of Tonawanda and the Town of Hamburg, citizens are not allowed to speak until the end of the meeting, after Board Members have voted.

VIDEO RECORDING OF MEETINGS

In only 3 out of 16 local governments evaluated can citizens watch video-taped recordings online of local government meetings (Buffalo, Amherst & Wheatfield). While there is a cost to purchasing and operating the recording equipment, the cost is minimal. For example, it cost the town of Amherst approximately \$22,000 for their video equipment. When the town of Wheatfield decided to install several security cameras they were able to add recording equipment for just a few thousand dollars.

CONTACT INFORMATION

Being able to directly contact elected officials by telephone and email is important. In 13 out of the 16 local governments evaluated, contact information was missing for some government officials. The three communities that have done an excellent job in providing complete contact information are: the towns of Lancaster, West Seneca and Tonawanda.

FREEDOM OF INFORMATION LAW (FOIL)

Of the 16 local governments evaluated only the Town of Amherst has a link to FOIL information in a visible spot on their home page. Freedom of Information Law (FOIL) instructions and forms should be posted in a visible location on the home page of a local government's website.

FINANCIAL DISCLOSURE FORMS

At the State level the financial disclosure forms completed by statewide elected officials, State Senators and Assembly Members are posted online for the public to see in their entirety. The posting of financial disclosure forms allows the public and the news media to monitor for themselves ethical issues such as conflicts of interests. Not a single local government posts online the financial disclosure forms of their elected officials. Niagara County has gone so far as to pass a local law that prohibits citizens from being able to view county legislator disclosure forms!

NOTIFY ME

To engage citizens and encourage public participation in governmental decisions, a proactive approach must be taken. Only two local governments allow citizens the opportunity to sign up and receive email notification of board meetings and public hearings through a Notify Me link on their website (Wheatfield & Town of Tonawanda).

BUDGET INFORMATION

Every local government evaluated has posted budget information. In order for citizens to be able to see a historical view of expenditures and revenues, five years of budget information should be provided. The Town of Tonawanda, Town of Lockport, Village of Lewiston and Niagara Falls, have less than five years of budget information posted.

SCORING

The Town of Amherst received the highest score of 77 out of 100 points followed by the Town of Wheatfield with a score of 75.5 points. Amherst and Wheatfield deserve to be recognized for their scores, but it is unfortunate that a C+ grade is the highest score among the 16 local government websites evaluated.

Amherst	77
Wheatfield	75.5
Buffalo	63
Erie County	62
Town of Tonawanda	60
North Tonawanda	59
West Seneca	57
Cheektowaga	56
Lancaster	53
Niagara County	51
Niagara Falls	51
City of Lockport	50
Town of Hamburg	48.5
Town of Lewiston	48.5
Town of Lockport	34.5
Village of Lewiston	29

METHODOLOGY

Each website was rated independently by three volunteers. The three different scores were averaged into a final grade. The items graded and the criteria used are attached to this report. Websites were evaluated during the period from December 2016 through February 2017. Letter grades are based on the following scale:

A	90-100 points
B+	85-90
B	80-84
C+	75-79
C	70-74
D	65-69
F	64 and below

EXPLANATION OF SCORES

Amherst (77% C+)

Meeting agendas with all documents and minutes are posted in a timely fashion for 5 years. Citizens are provided the opportunity to be heard in the beginning of their meeting. Amherst is one of only three municipalities that records and posts their meetings online. Telephone numbers and email addresses for elected officials are posted. Most department head emails and phone numbers are posted but some are missing. FOIL form and instructions are posted. Elected official financial disclosure forms are not posted. Citizens cannot sign up through a Notify Me link to receive emails regarding meetings and public hearings. Budget documents are posted for five years.

Wheatfield (75.5%, C+)

Meeting agendas are posted but not with entire board packets for five years. Meeting minutes are posted. Opportunity for citizens to speak early in meeting is provided. Wheatfield to their credit videotapes and posts their meetings for the public to view. Not all elected official email and phone numbers are posted. Not all emails and phone numbers for department heads are posted. FOIL information is posted but not on home page in an easy to see spot. Elected official financial disclosure forms are not posted. Citizens can receive emails regarding meetings and public hearings through a Notify Me link but it is difficult to find. Five years of budget reports are posted.

Buffalo (63, F)

Meeting agendas and board packets are posted but not for five years. Meeting minutes are posted but not for five years. Citizens are not allowed to speak at full Council meetings. Buffalo to their credit is one of the few municipalities that records and posts video of their meetings. Telephone numbers and email addresses are posted for all elected officials. Telephone numbers and emails are not posted for all department heads. FOIL information and instructions are not posted in a visible place on the home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not located in a visible place. Five years of budgets are posted.

Erie County (62, F)

Meeting agendas and minutes are posted for at least five years. Citizens are not allowed to speak at full legislature meetings. Meetings are not videotaped and posted online. Telephone numbers and email addresses for all elected officials are posted. Telephone numbers and email addresses are posted for most but not all department heads. FOIL forms and instructions are posted but not in the most visible location. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not located in a visible place. Five years of budgets are posted.

Town of Tonawanda (60, F)

Meeting agendas and minutes are posted. Citizens can only speak at the end of the meeting after the board has acted. Meetings are not video recorded, audio recordings are posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is provided. Four years of budgets are posted.

North Tonawanda (59, F)

Meeting agendas and minutes are posted. Citizens can speak at meetings before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. Only Mayor's email provided for elected officials. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

West Seneca (57, F)

Meeting agendas and minutes are posted, however minutes from last meeting not posted before next meeting. Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Cheektowaga (56, F)

Meeting agendas and minutes are posted. Citizens allowed to speak at meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads, however a contact us page is used instead of being able to send a direct email. FOIL instructions and form are not posted in a visible place on home page. FOIL information is at the bottom of the home page, instructions on where to send FOIL is not provided. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Town of Lancaster (53, F)

Meeting agendas and minutes are posted, however agendas posted only for 2016 and 2017. Documents are not attached to the Agenda so citizens can see the same information that board members have. Minutes from last meeting not posted before next meeting. Citizens allowed to speak at beginning and end of meeting for five minutes. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. Email information for board members is not provided on the board member page of the site. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Niagara County (51, F)

Meeting agendas and minutes are posted. Meeting minutes were not posted until January of 2017, no minutes prior to 2017 are posted. Agenda does not indicate that Citizens are allowed to speak at the meeting. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and most department heads. An email address for every department head is not posted. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Niagara Falls (51, F)

Meeting agendas and minutes are posted, however minutes from last meeting not posted before next meeting. Appears that Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Less than five years of budgets are posted.

City of Lockport (50, F)

The posting of meeting agendas has not been updated since November 2016! Documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are posted. Citizens allowed to speak at beginning of the meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for most elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Town of Hamburg (48.5, F)

Meeting agendas and minutes are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Appears that Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads, however for department heads only phone numbers are provided and not email addresses. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Town of Lewiston (48.5, F)

Meeting agendas are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are not being posted timely and are two months behind. Citizens are allowed to speak at the beginning of the meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for most elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

Town of Lockport (34.5, F)

Meeting agendas are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are not being posted timely and are a month behind. Appears that Citizens allowed to speak at beginning of meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

Village of Lewiston (29, F)

Less than five years of meeting agendas and minutes are posted. Documents are not attached to the Agenda so citizens can see the same information that board members have. Appears that Citizens allowed to speak at beginning of meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Less than five years of budgets are posted.

DISCLAIMER

This is not a scientific study with precise results. The website evaluations were completed by concerned citizens who volunteered their time. An evaluator may have found and awarded points for an item that another volunteer rater may have missed.

CONCLUSION

Our goal is that the evaluated municipalities will interpret this report as constructive criticism. We are interested in assisting local governments to improve their websites so that citizens can have access to important information in a timely way.

A failure rate of 90% (14 out of 16 local governments) in providing basic information to the public is unacceptable. There is no reason why meeting agendas and minutes cannot be posted online in a timely manner. Several municipalities are posting agendas without attaching copies of all of the documents that elected legislators and board members have before them. The public should be able to access the documents that their elected officials are discussing and voting on. Scanning and posting meeting agenda documents is not a difficult task.

Most municipalities are posting meeting minutes, however, some are behind in doing so. Knowing what took place at the last meeting before the next meeting occurs is important for citizens to be fully informed.

Videotaping local government meetings is an important step in allowing individuals to see from the convenience of their home at any time what their located elected officials are doing. Implementing the recording and posting of meetings is not financially out of reach for most local governments. If the municipality the size of Wheatfield (population 18,000), can find a way to undertake video recording of meetings than others can as well.

The financial disclosure forms completed by all state elected officials are posted on-line for the public to see. Financial disclosure forms for local elected officials should also be posted on-line. Not a single local government posts elected official financial disclosure forms on-line.

Placing a Notify Me link on a website home page is an easy proactive step to take, so that citizens have the opportunity to receive email notification of meetings. The small community of Wheatfield has a Notify Me link on their website and other local governments can and should do the same.

Members of the Buffalo Niagara Coalition for Open Government welcome the opportunity to speak about this report at an upcoming meeting of any of the local governments that were studied. We are willing to work with and to assist local governments interested in improving their websites.

One step that local governments can take is to form an Open Government Advisory Board, which the Village of Williamsville and the Town of Amherst have done. Having a citizen board dedicated to addressing open government issues and concerns can set your local government apart from many others by showing a commitment to working towards government that is transparent, participatory and collaborative with the public.

Buffalo Niagara Coalition for Open Government

Name of Local Government Being Rated: _____

Rated by _____

Zero to 10 Points provided for each item.

_____ **Agendas and entire board packets are posted online prior to board meetings and past 5 years of agendas are posted.**

- Deduct 5 points if agendas are posted but documents are not attached to the agenda. Some places will post just a 1 or 2 page agenda, citizens should be able to see the same documents that board members see.
- If agendas are not posted at all, award 0 points.
- If less than 5 years of agendas are posted deduct 1 point for each missing year.

_____ **Meeting minutes are timely posted online for the past 5 years (last meeting is posted before next meeting is held)**

- If the minutes from the last meeting are not posted before the next meeting deduct 5 points.
- If less than 5 years of minutes are posted deduct 1 point for each missing year.

_____ **An opportunity for citizens to speak is provided for at least 3 minutes prior to Board voting**

- Sometimes this is stated on the agenda, you might have to look for Board rules or rules for public expression. If meetings are videotaped you can see how long people have to speak.
- If only two minutes allowed deduct 2 points, if only one minute allowed deduct 4 points.
- If only allowed to speak at the end of the meeting deduct 5 points.
- If allowed to speak for at least 3 minutes at the beginning of the meeting before voting occurs award 10 points.

_____ **Meetings are video recorded and posted on-line for public to view**

- Very few places do this and those that do should receive 10 points.
- Some places post an audio recording, which is not video, 0 points.

_____ **Telephone numbers and email addresses posted for all elected officials**

- Look at how many elected officials there are typically Supervisor, board members, Clerk, Highway Supt, if half have a phone number and email posted award 5 points, 75% have it award 7.5 points etc.

_____ **Telephone numbers and email addresses posted for all department heads**

- Like above add up the number of Dept. heads figure out the percent that have both email and phone listed and award a percent of the possible 10 points. Most places have a web heading for departments or a directory by dept.

_____ **Instruction and Forms on how to file a FOIL request posted online in a visible easy to find place.**

- This should be right on the first page of the site or some other visible spot. If the only way you can find this is to enter "FOIL" as a search term or it is not in a visible spot deduct 5 points.
- If it simply does not exist award 0 points.

_____ **Financial disclosure forms for all elected officials are posted online**

- At the state level such forms are posted on-line. Most local governments do not post these forms and they should. If none are posted award 0 points. If some are posted, figure out the percent that are and award points accordingly.

_____ **Citizens can sign up to receive email notification of meetings/public hearings**

- If you see a "Notify Me", button or link this is a place where citizens can sign up to receive email notification. If there is no such thing award 0 points. If it exists award 10 points.

_____ **5 years of budgets are posted online**

- If less than 5 years are posted deduct two points for each missing year.

_____ **Total Points**

Opportunity to highlight or explain important points regarding your scoring

Diane Terranova

From: Diane Terranova
Sent: Monday, March 20, 2017 3:50 PM
To: Paul Wolf
Subject: RE: Lancaster Website

Mr. Wolf:

Your email and the attached report will be placed on Town Board Communications as per your request.

I do believe that your findings are flawed regarding the Town of Lancaster's website.

- You state that the minutes of the Town Board meetings are not posted on the website in a timely manner. The minutes of the Town Board meetings are not posted on the website until the Town Board approves them at their next meeting. Then they are promptly added to the website.
- You state that documents are not attached to the Agenda. All pre-filed resolutions are placed on the website at the same time as the Agenda, thereby allowing residents to see the same information as the board members.
- Communications are numbered and listed on the Agenda of every meeting. Residents can view every page on the website.
- You state that email information for Board Members are not provided. Residents can email any department head through the Contact portion of the website.

I feel that with these corrections of your report which I have stated, the Town of Lancaster deserves a higher grade than what was awarded.

Diane M. Terranova
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
(716) 683-9028
Fax (716) 683-2094

SUPERVISOR
Johanna M. Coleman



Department of Parks,
Recreation & Forestry

COUNCIL MEMBERS
John M. Abraham Jr.
Dawn Gaczewski
Ronald Ruffino Sr
Matthew Walter

Park Crew Chief
Mark D. Lubera

525 Pavement Road
Lancaster, NY 14086
716-684-3320 phone
716-685-3497 fax

March 21, 2017

Supervisor Johanna Coleman
and Honorable Council Members
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

*TC-FOL Comm
OK FOR RES.*

Dear Supervisor Coleman and Honorable Council Members:

I respectfully submit the following individual for your consideration to be appointed to a part-time temporary seasonal position without benefits for the spring/summer season of 2017 in the Parks, Recreation & Forestry Department.

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE/HR</u>	<u>EFFECTIVE</u>
Alan Friedrich ————— Lancaster	Laborer	\$12.00	April 3, 2017

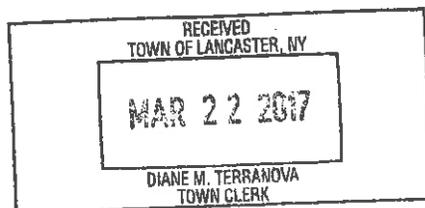
This position is necessary to provide the department assistance with pre-season work including tree planting, lawn maintenance, athletic field preparation, spring clean-up and forestry maintenance. Please keep in mind that there will be a list forthcoming with additional laborers.

Should you approve, please arrange for this appointment to be placed on the agenda for the April 3, 2017, Board meeting. Thank you for your anticipated cooperation.

Sincerely,

Mark D. Lubera
Park Crew Chief

MDL:jw



RECEIVED
TOWN OF LANCASTER, NY

MAR 21 2017

SUPERVISOR'S OFFICE



TC- FOR COMM.
OK FOR RES.

Ⓢ

MEMORANDUM

DATE: March 21, 2017

TO: Honorable Town Board
Lancaster Town Hall
21 Central Avenue
Lancaster, NY 14086

FROM: Chief Gerald J. Gill, Jr.

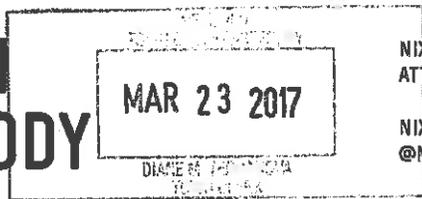
SUBJECT: Officer Robert Cornell

Due to unforeseen staffing issues, we find it prudent to retain Officer Robert Cornell in the patrol division through April 15, 2017. I respectfully request a change in the effective date of his appointment to the non-competitive job classification of Detective to April 16, 2017.

GJG:as

RECEIVED
TOWN OF LANCASTER, NY
MAR 22 2017
DIANE M. TERRANOVA
TOWN CLERK

RECEIVED
TOWN OF LANCASTER, NY
MAR 21 2017
SUPERVISOR'S OFFICE



NIXON PEABODY LLP
ATTORNEYS AT LAW
NIXONPEABODY.COM
@NIXONPEABODYLLP

Daniel F. Brennan
Associate
T 585-263-1450
F 844-478-6598
dbrennan@nixonpeabody.com

1300 Clinton Square
Rochester, NY 14604-1792
585-263-1000

206

March 22, 2017

VIA FEDERAL EXPRESS

Town Board
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

RE: Application for required zoning approval from the Lancaster Town Board and/or Planning Board by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless¹ to construct and operate a micro cell wireless telecommunications facility on the roof of the existing building located at 6733 Transit Road, Town of Lancaster, New York (Tax Parcel No. 82.03-1-64) (Verizon Wireless' "Transit Road VZW Store" Site).

Dear Board Members:

By application dated October 18, 2016, Verizon Wireless applied to the Town of Lancaster Town Board for the approvals necessary to construct and operate a micro cell wireless telecommunications facility at the above-referenced location (the "Application"). On December 21, 2016, the Town of Lancaster Town Board issued a negative declaration under SEQRA and granted site plan approval for the project. By letter from the Town Clerk dated March 10, 2017, we were notified that the project would also require a special use permit from the Town Board. The public hearing for the special use permit was duly held on March 20, 2017.

As you may know, on November 18, 2009, the Federal Communications Commission ("FCC") issued a Declaratory Ruling regarding timely siting review, WT Docket No. 08-165 (the "Order"). The Order is intended to promote the deployment of broadband and other wireless services by defining a presumptively reasonable time beyond which inaction on a siting application constitutes a "failure to act" under Section 332(c)(7)(B)(ii) of the Communications Act, 47 U.S.C. § 332(c)(7)(B)(ii). The Order provides that the presumptively reasonable time for a zoning determination, or "shot clock", for new wireless telecommunications facilities is 150 days. Verizon Wireless' application for the site referenced above is subject to the 150 day deadline outlined in the Order, which expired on March 17, 2017.

¹ In October, 2016 Upstate Cellular Network (the original applicant) was merged into Bell Atlantic Mobile Systems of Allentown, Inc. and is now operating under that name.

Town Board
Town of Lancaster
March 22, 2017
Page 2

We respectfully request that the Town Board approve the special use permit at the next meeting. Accordingly, Verizon Wireless consents to extending the FCC "shot clock" until the Town Board's April 3, 2017, meeting.

Please do not hesitate to contact me if you have any questions or need any additional information. Thank you.

Very truly yours,



Daniel F. Brennan

DFB/lab

cc: Mark Coon (*via electronic mail*)
Ken Cowley (*via electronic mail*)
Jared C. Lusk, Esq. (*via electronic mail*)
Kevin Loftus, Esq.
John Abraham

Justice Court of the Town of Lancaster
525 Pavement Road
Lancaster, New York 14086
Phone: 716-683-1814, Fax – 685-5313

March 23, 2017

TC - FOR COMM.
COPY TO PAYROLL SUP.

Johanna M. Coleman, Supervisor
Lancaster Town Board
21 Central Avenue
Lancaster, NY 14086

Dear Supervisor Coleman & Board Members

We are taking this opportunity to request that the hourly rates of pay be increased for the following court officers:

- Dan Centinello – from \$14.47 per hour to \$18.00
- Keith Doktor – from \$14.47 per hour to \$18.00

The proposed raises are to bring them all in line with other courts based on our court survey and we, in turn, staggered the raises with all of them. For your information, both Dan and Keith are also classified as Peace Officers.

Please advise if these raises can be included in our current year's budget.

Very truly yours,

[Signature]
TOWN JUSTICE

[Signature]
TOWN JUSTICE

RECEIVED
TOWN OF LANCASTER, NY

MAR 23 2017

SUPERVISOR'S OFFICE

RECEIVED
TOWN OF LANCASTER, NY
MAR 23 2017
DIANE M. TERRANOVA
TOWN CLERK



Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.

Town Attorney
kloftus@lancasterny.gov

Leza E. Braun

Legal Assistant

March 24, 2017

Mr. David Denk
Regional Administrator
N.Y.S. DEC
270 Michigan Avenue
Buffalo, New York 14203-2999

Mr. Matt Salah
Coordinator of Construction Projects
Division of Sewerage Management
95 Franklin Street
Buffalo, New York 14202

Mr. Garrett Hacker
Erie County DPW
Division of Highway
95 Franklin Street
Buffalo, New York 14202

Mr. Ed Rutkowski
Planner
NYS DOT
100 Seneca Street
Buffalo, New York 14203

Ms. Dolores Funke
Erie County Health Department
503 Kensington Avenue
Buffalo, New York 14214

Ms. Mariely Ortiz
Erie County DEP
Edward A. Rath County Office Building
95 Franklin Street, Rm 1062
Buffalo, New York 14202

Re: Designation of Lead Agency
Re-Zone 5680 Broadway Street SBL# 116.05-1-3
From RCO to M.F.R-3; +/- 4.09 acres
4 three-story Buildings; 104 upscale Units
Town of Lancaster, County of Erie

Ladies and Gentlemen:

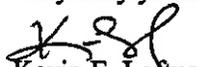
Please be advised that a private developer has submitted an application for the rezone of +/- 4.09 acres of land located at 5680 Broadway Street SBL#s 116.05-1-3 from Residential Commercial Office (RCO) to Multi-family Residential District three (MFR-3) in the Town of Lancaster and which the Town has determined to be a "Type I Action" under SEQR.

The Town Board of the Town of Lancaster advised the developer that an Application and Environmental Assessment Form (EAF) was to be submitted to the Town of Lancaster in order to commence a review of the proposed project under SEQRA.

The developer has now submitted the application and EAF and the Town Board of the Town of Lancaster is now notifying all other agencies which may be involved in the approval of this project that within thirty (30) days of the mailing of the enclosed EAF, a lead agency must be designated by agreement among the agencies.

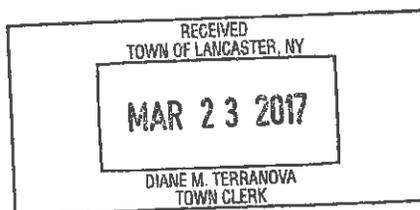
The anticipated impact of this project is primarily of local significance and the Town of Lancaster desires to act as lead agency in investigation and review of the proposed action.

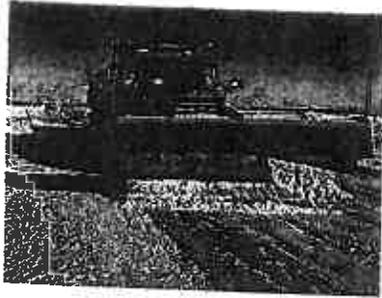
Very truly yours,


Kevin E. Loftus
Town Attorney
KEL:lb

Encs.

cc: Supervisor
Town Clerk
Building Inspector
Town Engineer





TOWN OF LANCASTER
HIGHWAY DEPARTMENT
525 PAVEMENT ROAD
LANCASTER, NY 14086

Daniel Amatura
Highway Superintendent
Tel (716)683-3426
Fax (716)685-0271

COMMUNICATIONS

March 21, 2017

TC - FOR COMM
OK FOR RES.

(JMC)

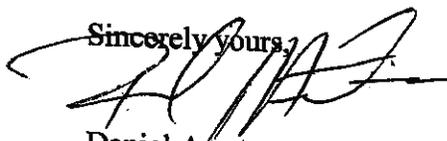
Honorable Town Board
21 Central Avenue
Lancaster, NY 14086

Re: Liam O'Brien

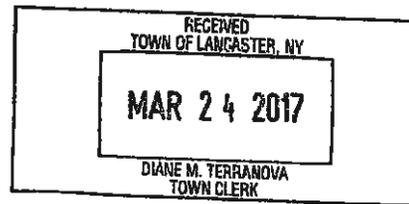
Dear Honorable Board Members

Pursuant to Highway Law Section 140 I wish to appoint Liam O'Brien _____
_____ Lancaster, New York to the position of Laborer Grade #1 in the Highway Department
beginning April 4, 2017. Mr. O'Brien will be paid \$21.92 per hour which is 80% of the Laborer
Grade #1 rate for a six-month probationary period.

Should you have any questions regarding this matter please do not hesitate to contact me.

Sincerely yours,


Daniel Amatura
Highway Superintendent
Town of Lancaster



DA/mb

Cc: Johanna Coleman, Supervisor
Diane Terranova, Town Clerk
Morgan Fay, Payroll Supervisor

RECEIVED
TOWN OF LANCASTER, NY

MAR 24 2017

SUPERVISOR'S OFFICE

SUPERVISOR
Johanna M. Coleman

COUNCIL MEMBERS
John M. Abraham Jr.
Dawn Gaczewski
Ronald Ruffino Sr
Matthew Walter



Department of Parks,
Recreation & Forestry

Park Crew Chief
Mark D. Lubera

525 Pavement Road
Lancaster, NY 14086
716-684-3320 phone
716-685-3497 fax

March 24, 2017

Supervisor Johanna Coleman and
Council Members
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

TC - FOR COMM
JA - FOR RES
(Amc)

Dear Supervisor Coleman and Honorable Council Members:

I respectfully request a resolution be prepared to allow Town employees to enter onto the grounds of the Lancaster Rural Cemetery. The purpose of this is to have these employees chip a brush pile left over from a recent pruning project at the cemetery.

If you have any questions or concerns regarding this, please contact me at your convenience.

Respectfully submitted,

Mark D. Lubera
Mark D. Lubera
Park Crew Chief

MDL:jw

RECEIVED
TOWN OF LANCASTER, NY

MAR 24 2017

SUPERVISOR'S OFFICE

RECEIVED
TOWN OF LANCASTER, NY
MAR 24 2017
DIANE M. TERRANOVA
TOWN CLERK



March 24, 2017

TC- For Comm

Dear Municipal Official:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Charter Communications.

From time to time, we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

Chiller will no longer be available on or after April 25, 2017

Esquire will no longer available on or after April 25, 2017

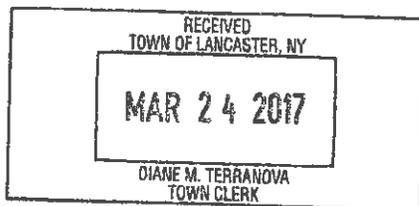
WSYR (in Steuben/Schuyler & Yates/Ontario) lineups will no longer be available on or after April 25, 2017

If you have any questions or concerns please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,

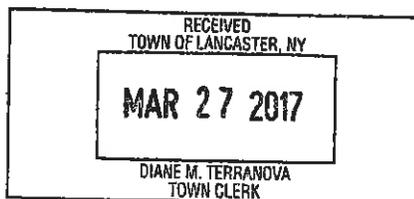
Mark Meyerhofer
Director, Government Affairs
Charter Communications

WNY.CNY





**Department of
Public Service**



Public Service Commission
Gregg C. Sayre
 Interim Chairman and
 Interim Chief Executive Officer

Diane X. Burman
 Commissioner

Thomas Congdon
 Deputy Chair and
 Executive Deputy

Paul Agresta
 General Counsel

Kathleen H. Burgess
 Secretary

Office Locations

3 Empire State Plaza, Albany, NY 12223-1350
 90 Church Street, 4th Floor, New York, NY 10007-2929
 295 Main Street, Suite 1050, Buffalo, NY 14203-2508
 125 East Bethpage Road, Plainview, NY 11803

www.dps.ny.gov

March 24, 2017

Dear Community Leader/Elected Official:

The New York State Public Service Commission is sponsoring a series of public statement hearings regarding the March 2017 windstorm event and resulting power outages. The Commission has initiated an investigation of the storm preparation and response by Rochester Gas and Electric and New York State Electric & Gas.

To ensure full public participation, the Commission will hold the public statement hearings to solicit input and comments from your community concerning the utilities' performance regarding the event. The hearings are open to members of the public who wish to participate and comment. Information received at the public statement hearings will be transcribed and will be included in the record. The public comments will be considered by the Commission in deciding this matter.

The enclosed fact sheet provides detailed information on how to participate in the public statement hearings and available options to submit comments. Information about the investigation can be found at www.dps.ny.gov. From the homepage, click on "Search," and enter the associated matter number (17-00540) in the "Search by Case Number" field.

I would appreciate your assistance with informing your constituents about the public statement hearings and encouraging them to provide comment. It is the Commission's intent to facilitate and encourage active and meaningful participation at the hearings. We hope you will consider joining us.

Sincerely,

Michael Corso
 Chief Consumer Advocate

Enc.



**March 2017 Windstorm and Related Power Outages
Rochester Gas and Electric/New York State Electric & Gas
Matter 17-00540**

On March 8 and 9, 2017, a series of severe windstorms swept through parts of Western New York and the Finger Lakes causing widespread power outages. The New York State Department of Public Service (DPS) is investigating the preparedness and response of Rochester Gas and Electric Corporation (RG&E) and New York State Electric & Gas Corporation (NYSEG) in regards to the windstorm related power outages.

Public Statement Hearings

DPS is seeking comment regarding the windstorm-related power outages from customers in RG&E's service territory and NYSEG's Lancaster Division. Interested members of the public are invited to attend the hearings and provide comment.

An Administrative Law Judge (ALJ) will preside over the public statement hearings and the gathering of public comments. All comments will become part of the formal record and will be considered by DPS in its investigation. It is not necessary to make an appointment in advance or present written material in order to speak at the hearing.*

Please join us:

Date: April 12, 2017
Time: 2:00 pm – afternoon hearing
6:00 pm – evening hearing
Location: Southside Commerce Center
Auditorium
300 Gleed Avenue
East Aurora, NY 14052

Date: April 13, 2017
Time: 2:00 pm – afternoon hearing
6:00 pm – evening hearing
Location: Monroe Community College
Brighton Campus
Building 3, Forum Room
1000 East Henrietta Road
Rochester, NY 14623

*Disabled persons requiring special accommodations may place a collect call to the DPS's Human Resources Management Office at 518-474-2520. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711 to reach the DPS at the previously mentioned number. If you have difficulty understanding English, please call the DPS at 1-800-342-3377 for free language assistance services.

DPS is interested in comments from customers that address questions such as:

- How were you affected by the outages?
- Do you think you received timely, accurate and adequate information from your utility company about what was happening before, during and after the service outages?
- Did you attempt to contact your utility for information or assistance immediately before, during or after the outages, and did you get the response you were requesting and/or a satisfactory response?
- What are your overall impressions about how your utility responded to the outages? What were your reasons for those impressions?
- What are your recommendations about actions you believe your utility should or should not have taken before, during and after the service outages?
- What actions do you recommend DPS take in light of all that you know regarding these events?

Ways to Comment on the Matter

Comments can be made at the public statement hearings being held on April 12 and 13, 2017. In addition, comments may be submitted through the methods below. Comments are requested by Tuesday, May 9, 2017. To comment:

- **Write to the Secretary:** Submit comments electronically to Kathleen H. Burgess, Secretary by email at secretary@dps.ny.gov or by mail to Secretary Burgess at the New York State Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350. Comments delivered in these manners should reference "RG&E/NYSEG March 2017 Power Outage (Matter 17-00540)".
- **Visit the Department Website:** Comments may be entered directly into the case via the www.dps.ny.gov website, by entering the associated matter number in the Search option found on the homepage. After opening the case, enter comments using the "Post Comments" tab located at the top of the page.
- **Call the Toll-free Opinion Line:** Individuals may choose to submit comments by calling the toll-free Opinion Line at 1-800-335-2120. This line is set up to receive in-state calls 24 hours a day. Callers should press "1" to leave comments about "RG&E/NYSEG March 2017 Power Outage (Matter 17-00540)". Comments received via the Opinion Line are not transcribed, but a summary is provided to the Department.

Information about the RG&E/NYSEG March 2017 power outage investigation and related documents are available online at www.dps.ny.gov. From the homepage, click on "Search," and enter matter number 17-00540 in the "Search by Case Number" field.

Did You Know?

If you are without power: Call your utility first to determine area repair schedules or call the 24/7 Finger Lakes Region Emergency Hotline at 866-244-3839 for updates. Turn off or unplug lights and appliances to prevent a circuit overload when service is restored. Leave one light on to indicate power has been restored.



Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.
Town Attorney
kloftus@lancasterny.gov

Leza E. Braun
Legal Assistant

March 27, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Planning Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

RE: Angry Buffalo Site Plan #1519 for Joseph David Rezone Application
Wehrle Drive
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated March 24, 2017 from the Erie County Department of Environment and Planning on the above-referenced project for you review.

Should you have any questions or concerns, please call me.

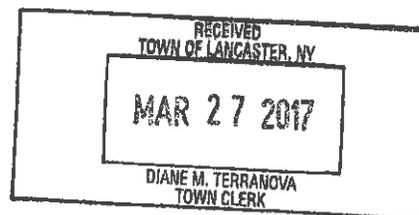
Very truly yours,

Kevin E. Loftus, Esq.
Town Attorney

KEL:lb

Enc.

CC: Supervisor
Town Clerk
Building Inspector
Town Engineer



Major

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: SP-17-185
Received: 3/20/17

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal action, such reply must be considered.

RECEIVED
TOWN OF LANCASTER, N.Y.
MAR 27 2017
TOWN ATTORNEY

Description of Proposed Action

1. Name of Municipality: Town of Lancaster

2. Hearing Schedule: **Date** _____ **Time** 7:00pm **Location** 21 Central Avenue, Lancaster

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows Angry Buffalo, Wehrle Drive
Lancaster, New York 14086

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Construction of a 26,400 s.f. building utilized for flag football games.

8. Other remarks: (ID#, SBL#, etc.) SBL# 82.03-2-4.1, 82.03-2-5, 82.03-2-6.1 & 82.03-2-3.1

9. Submitted by: Kevin E. Loftus, Town Attorney 3/20/17

21 Central Avenue, Lancaster, New York 14086

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 3/24/17. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: _____ Date: 3/24/17

214



Town of Lancaster

OFFICE OF THE TOWN ATTORNEY

21 Central Avenue
Lancaster, New York 14086
(716) 684-3342
Fax: (716) 681-7475

KEVIN E. LOFTUS, JR.

Town Attorney
kloftus@lancasterny.gov

Leza E. Braun
Legal Assistant

March 24, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Planning Board
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

RE: Angry Buffalo Re-Zone from R-1 to GB
Wehrle Drive SBL# 82.03-2-4.1, 82.03-2-5, 82.03-2-6.1 & 82.03-2-3.1
Town of Lancaster, County of Erie

Dear Town Board and Planning Board Members:

Enclosed please find a SEQR response dated March 23, 2017 from the Erie County Department of Public Works on the above-referenced project for you review.

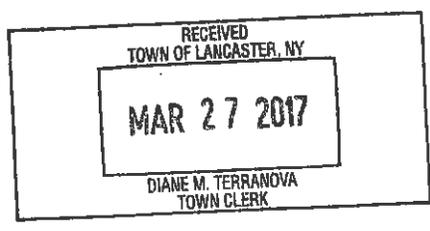
Should you have any questions or concerns, please call me.

Very truly yours,

Kevin E. Loftus, Esq.
Town Attorney
KEL:lb

Enc.

CC: Supervisor
Town Clerk
Building Inspector
Town Engineer





COUNTY OF ERIE

MARK C. POLONCARZ

**COUNTY EXECUTIVE
DEPARTMENT OF PUBLIC WORKS
RATH BUILDING 14TH FLOOR**

**CHARLES A. SICKLER, P.E.
INTERIM COMMISSIONER**

**TELEPHONE: 716.858.8300
FAX: 716.858.8228**

March 23, 2017

Mr. Kevin Loftus, Town Attorney
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

Re: **Lead Agency Request**
2753, 2757, 2761 & 0 Wehrle Drive (CR-290)
(T) of Lancaster, County of Erie

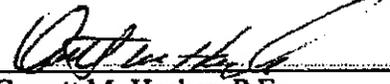
Dear Mr. Loftus:

This Department has received your request for Lead Agency for the above referenced project. Erie County Department of Public Works has no problem with the Town of Lancaster being Lead Agency for this project. This approval of Lead Agency is only from Erie County Department of Public Works and does not imply that other County Departments concur with this approval, as their response will be coming by separate letter.

Please keep us informed as this project progresses and forward a complete set of plans when they become available.

Sincerely,

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS


Garrett M. Hacker, P.E.
Senior Civil Engineer

cc: William Geary, Deputy Commissioner – Highways
Charles A. Sickler, P.E., Director of Engineering
Wayne Scibor, P.E., Supervisor of Engineering
Patrick Baskerville, Senior Highway Maintenance Engineer
Gina Wilkolaski, Traffic and Safety Engineer
Mariely Ortiz, Erie County Department of Environment and Planning
File: CR-139



Town of Lancaster

BUILDING DEPARTMENT
21 CENTRAL AVENUE
LANCASTER, NEW YORK 14086
716-684-4171
FAX 685-5317

TOWN BOARD
Supervisor
Johanna M. Coleman

Councilmembers
John M. Abraham, Jr.
Dawn Gaczewski
Ronald Ruffino, Sr.
Matthew Walter

3/27/17

Honorable Town Board
21 Central Ave.
Lancaster, NY 14086

Re: Building Dept. vehicle purchase

Madam Supervisor and Honorable Town Board members,

On March 6, 2017, the Town Board authorized the advertisement of bids to furnish a new 2017 Chevrolet Equinox AWD LT with a 3.6L, 6 Cyl. engine and trade of a 2004 Chevrolet Blazer.

Bid opening was Thursday, March 23, 2017 and one bid was submitted by Joe Basil Chevrolet in the amount of \$27,376.00.

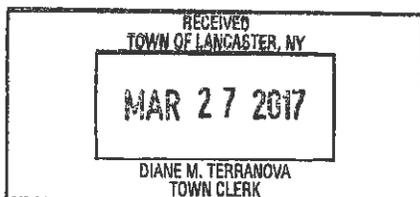
I request the Board accept the bid and authorize the purchase at the bid price. The amount is funded through the Building Department budget, line item #3620-0220.

Please contact me if there are questions.

Sincerely,

Matt Fischione, Code Enforcement Officer
Town of Lancaster Building Department
21 Central Avenue
Lancaster, NY 14086

MF



OFFICE USE ONLY
 Original Amended Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board
 (Page 1 of 2 of Form)

1. Date Notice Was Sent: _____ 1a. Delivered by: _____

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application Renewal Alteration Corporate Change Removal Class Change

For **New** applicants, answer each question below using all information known to date.

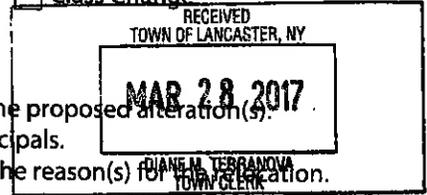
For **Renewal** applicants, set forth your approved Method of Operation only.

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.



This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: Town of Lancaster NY

Applicant/Licensee Information

4. License Serial Number, if Applicable: _____ Expiration Date, if Applicable: _____

5. Applicant or Licensee Name: Kim Sophankomut

6. Trade Name (if any): Water lily Cafe

7. Street Address of Establishment: 5354 Genesee St.

8. City, Town or Village: Bowmansville, NY Zip Code: 14026

9. Business Telephone Number of Applicant/Licensee: (716) 288-9940

10. Business Fax Number of Applicant/Licensee: _____

11. Business E-mail of Applicant/Licensee: waterlilycafe@yahoo.com

12. Type(s) of Alcohol sold or to be sold: Beer & Cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

13. Extent of Food Service: Full food menu; Full Kitchen run by a chef or cook Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: Thai Restaurant

15. Method of Operation: (Check all that apply)
 Seasonal Establishment Juke Box Disc Jockey Recorded Music Karaoke
 Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): _____
 Patron Dancing Employee Dancing Exotic Dancing Topless Entertainment
 Video/Arcade Games Third Party Promoters Security Personnel
 Other (specify): Restaurant

16. Licensed Outdoor Area: (Check all that apply)
 None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
 Sidewalk Cafe Other (specify): _____

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 2 of 2 of Form)

- 17. List the floor(s) of the building that the establishment is located on:
- 18. List the room number(s) the establishment is located in within the building, if appropriate:
- 19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No
- 20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No
- 21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
- 22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

- 23. Building Owner's Full Name:
- 24. Building Owner's Street Address:
- 25. City, Town or Village: State: Zip Code:
- 26. Business Telephone Number of Building Owner:

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

- 27. Representative/Attorney's Full Name:
- 28. Street Address:
- 29. City, Town or Village: State: Zip Code:
- 30. Business Telephone Number of Representative/Attorney:
- 31. Business Email Address:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

- 32. Printed Name: Title:
- Signature: X



Town of Lancaster

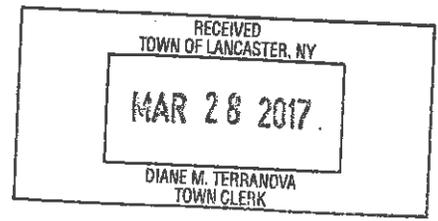
BUILDING DEPARTMENT
21 CENTRAL AVENUE
LANCASTER, NEW YORK 14086
716-684-4171
FAX 685-5317

TOWN BOARD
Supervisor
Johanna M. Coleman

Councilmembers
John M. Abraham, Jr.
Dawn Gaczewski
Ronald Ruffino, Sr.
Matthew Walter

March 28, 2017

Honorable Town Board
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086



RE: 30 Woodgate Drive
Lancaster, NY 14086
Tonya M. Bradford

The above referenced real property commonly known as 30 Woodgate Drive, Lancaster, NY has been inspected and is in compliance with the original Special Use Permit. Therefore, I recommend that the Special Use Permit be renewed for this applicant.

If you have any questions in regard to this matter please feel free to contact me.

Very truly yours,

Matt Fischione
Supervising Code Enforcement Officer

MF:cam

cc: Diane M. Terranova, Town Clerk
Kevin Loftus, Town Attorney
Tonya M. Bradford, Applicant



Town of Lancaster

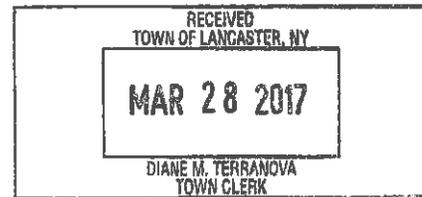
BUILDING DEPARTMENT
21 CENTRAL AVENUE
LANCASTER, NEW YORK 14086
716-684-4171
FAX 685-5317

TOWN BOARD
Supervisor
Johanna M. Coleman

Councilmembers
John M. Abraham, Jr.
Dawn Gaczewski
Ronald Ruffino, Sr.
Matthew Walter

March 24, 2017

Ms. Diane Terranova, Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086



RE: Application for a Game Room License
Regal 16 Cinemas-6707 Transit Road
Chapter 17 of the Code of the Town of Lancaster

Dear Ms. Terranova:

After an onsite inspection, I have determined that the above mentioned premises complies with all applicable laws, ordinances, rules and regulations. Therefore, I approve the issuance of a license to this applicant.

If you have any questions please feel free to call me.

Respectfully yours,

Matthew Fischione
Matthew Fischione
Supervising Code Enforcement Officer

MF:cam

Lancaster Rural Cemetery Association
70 Cemetery Road
Mailing Address: P.O. Box 219
Lancaster New York 14086
681-8119

TC - For Comm
de

March 17, 2017

Supervisor Johanna M. Coleman and
Town Board Members
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Re: Cemetery Funding

Dear Supervisor Coleman and Town Board Members:

The Board of the Lancaster Rural Cemetery greatly appreciates the financial assistance that you have provided for the continued operation of the cemetery.

In 2016, a garden and benches were added to the area surrounding the columbarium along with parking space. This provides a comfortable and serene site for those visiting loved ones.

We are proud of the cemetery and hope that you will have an opportunity to personally visit this place of beauty and history within our Town. The Board of the Lancaster Rural Cemetery pledges our efforts to continue to maintain this important asset.

With sincere appreciation,

Audrey C. Keysa
Audrey C. Keysa, Secretary
Lancaster Rural Cemetery

RECEIVED
TOWN OF LANCASTER, NY
MAR 29 2017
SUPERVISOR'S OFFICE

RECEIVED
TOWN OF LANCASTER, NY
MAR 28 2017
DIANE M. TERRANOVA
TOWN CLERK

220



Lancaster Police Department
Criminal Justice Building
Lancaster Town Center – 525 Pavement Road
Lancaster, New York 14086



Gerald J. Gill, Jr.
Chief of Police

Police Department
Phone :716-683-2800
Fax: 716-681-2352

Detective Bureau:
Phone: 716-683-3120
Fax: 716-681-6779

March 22, 2017

*TC - FOR COMM
OK FOR RES.
COPY TO T.A.*

Johanna Coleman
Town supervisor

Re: Residency status of Tiffany Walters

The Department received a letter from Public Safety Dispatcher Tiffany Walters requesting an extension to comply with Town Code chapter 41-2A (Residency Requirements). PSD Walters has kept our department informed of all the steps she and her husband have taken to prepare the house for sale and have recently listed and sold the property. With their realtor, they have also been actively researching homes for sale in the Town of Lancaster and have several prospects.

The Department feels that an extension of 6 months, until 10/17/2017, is warranted and should be granted to comply with the residency code.

Respectfully,

Marco Laurienzo
Patrol Captain

RECEIVED
TOWN OF LANCASTER, NY

MAR 29 2017

SUPERVISOR'S OFFICE

RECEIVED
TOWN OF LANCASTER, NY
MAR 29 2017
DIANE M. TERRANOVA
TOWN CLERK

Tiffany Walters

Depew, New York 14043

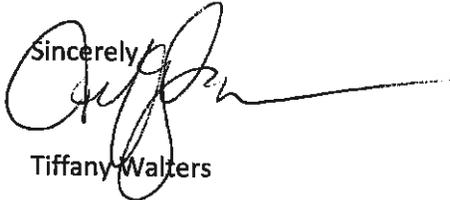
March 20th, 2017

Chief Gill
Lancaster Police Department
525 Pavement Rd.
Lancaster, New York 14086

Dear Chief Gill:

As you know, we listed our house for sale and it has sold. We are actively seeking a new residence in Lancaster as per the residency requirement for my position. We do not have a closing date for the sale of our house yet but we don't anticipate it will happen by April 17th which would be six months from my hire date. I am writing this letter to request a six month extension to allow for the closing of my current home and closing for the home we are actively seeking. We have a fantastic realtor who is working with us to find a house ASAP and we anticipate finding one very soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany Walters', with a long horizontal flourish extending to the right.

Tiffany Walters

MAR 30 2017

221

OFFICE USE ONLY

Original Amended Date _____

DIANE M. TERRANOVA
TOWN CLERK



State Liquor Authority Standardized **NOTICE FORM** for Providing **30-Day Advanced Notice** to a **Local Municipality or Community Board**

(Page 1 of 2)

1. Date Notice Was Sent: 3.30.17 1a. Delivered by: JOANNE GREEN Schreider

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application
- Renewal
- Alteration
- Corporate Change
- Removal
- Class Change

For **New** applicants, answer each question below using all information known to date.
 For **Renewal** applicants, set forth your approved Method of Operation only.
 For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).
 For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.
 For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.
 For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board: Village of Lancaster

Applicant/Licensee Information

4. License Serial Number, if Applicable: 3107775 Expiration Date, if Applicable: new exp 4/30/2019

5. Applicant or Licensee Name: LONGNECKERS INC.

6. Trade Name (if any): N/A

7. Street Address of Establishment: 3587 Walden AVE.

8. City, Town or Village Lancaster, NY Zip Code: 14086

9. Business Telephone Number of Applicant/Licensee: 716 684-7939

10. Business Fax Number of Applicant/Licensee: N/A

11. Business E-mail of Applicant/Licensee: longneckersbar@yahoo.com

12. Type(s) of Alcohol sold or to be sold: Beer & Cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

13. Extent of Food Service: Full food menu; Full Kitchen run by a chef or cook Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: Tavern

15. Method of Operation: (Check all that apply)

- Seasonal Establishment
- Juke Box
- Disc Jockey
- Recorded Music
- Karaoke
- Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): _____
- Patron Dancing
- Employee Dancing
- Exotic Dancing
- Topless Entertainment
- Video/Arcade Games
- Third Party Promoters
- Security Personnel
- Other (specify): pool table, dart boards (2)

16. Licensed Outdoor Area: (Check all that apply)

- None
- Patio or Deck
- Rooftop
- Garden/Grounds
- Freestanding Covered Structure
- Sidewalk Cafe
- Other (specify): _____

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



State Liquor Authority

Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a Local Municipality or Community Board

(Page 2 of 2)

- 17. List the floor(s) of the building that the establishment is located on: Main floor (basement storage)
- 18. List the room number(s) the establishment is located in within the building, if appropriate: 5. Main front, backroom 2 Bathrooms, Kitchen
- 19. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No
- 20. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No
- 21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.
N/A
- 22. Does the applicant or licensee own the building in which the establishment is located? Yes (If Yes SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

- 23. Building Owner's Full Name: JOANNE GREEN SCHNEIDER
- 24. Building Owner's Street Address: 8 Stone Hedge Drive
- 25. City, Town or Village: LANCASTER State: New York Zip Code: 14086
- 26. Business Telephone Number of Building Owner: 716 684-7939 / 716 713-8664

Representative or Attorney representing the Applicant in Connection with the application for a license to traffic in alcohol at the establishment identified in this notice

- 27. Representative/Attorney's Full Name: Richard Daley
- 28. Street Address: 4249 Maple Rd.
- 29. City, Town or Village: Amherst State: NY Zip Code: 14226
- 30. Business Telephone Number of Representative/Attorney: 716 835-2200
- 31. Business Email Address: N/A

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

32. Printed Name: JOANNE GREEN SCHNEIDER Title: Owner

Signature: X Joanne Green Schneider

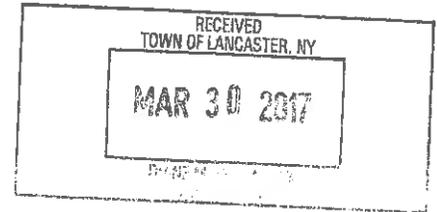


Town of Lancaster

TOWN PLANNING BOARD

21 Central Avenue
LANCASTER, NEW YORK 14086

March 15, 2017



Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
Anthony Gorski
Joseph Keefe
Lawrence Korzeniewski
Kristin McCracken
Melvin Szymanski

Town Board Members:

Johanna Coleman, Supervisor
John M. Abraham, Jr.
Dawn Gaczewski
Ronald Ruffino, Sr.
Matthew Walter

Engineering Consultant:

Robert Harris, Wm. Schutt & Associates

Town Attorney:

Kevin E. Loftus

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held March 15, 2017. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 15th day of March 2017 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
Rebecca Anderson, Member
Anthony Gorski, Member
Joseph Keefe, Member
Lawrence Korzeniewski, Member
Kristin McCracken, Member

EXCUSED: Melvin Szymanski, Member

ABSENT: None

ALSO PRESENT: None

Town Board Members: John M. Abraham, Jr.

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant-Wm. Schutt & Assoc.
Kevin E. Loftus, Town Attorney
Matthew Fischione, Code Enforcement Officer
Cynthia Maciejewski, Recording Secretary

Meeting called to order by Chair Connelly at 7:00 P.M.

Pledge of Allegiance led by Rebecca Anderson.

Minutes - A motion was made by Lawrence Korzeniewski to approve the minutes from the March 1, 2017 Planning Board Meeting with two changes. The correction of the word "applies" to the word "applied" on the last page of minutes. Under the Concept plan Floodplain discussion clarification was made that, it is the applicants duty to provide the BFE-Base Flood Elevation. Motion seconded by Rebecca Anderson and unanimously carried.

Town of Lancaster Planning Board
Communications
March 15, 2017

- 3.15.01 Letter dated 3/01/17 from Scott Frazier, 8 Sawgrass Lane, voicing opposition to Tim Horton's rezone.
- 3.15.02 Letter dated 2/28/17 from Richard DeBlasi, 37 Stone Hedge, voicing opposition to the rezone at 00 Walden Ave. for Children's Kastle.
- 3.15.03 Petition opposing the rezone at 00 Walden Avenue for Children's Kastle, signed by 69 residents of the adjacent neighborhood.
- 3.15.04 Letter dated 3/07/17 from Peter and Krystyna Cimino, 2 Quail Run, in opposition to Children's Kastle.
- 3.15.05 Letter from Peter Cimino, 2 Quail Run, voicing opposition to Children's Kastle.
- 3.15.06 Form letter signed by 15 residents of the adjacent neighborhood, in opposition to Children's Kastle.
- 3.15.07 Letter dated 3/08/17 from an anonymous person, indicating support for the rezone at Children's Kastle.
- 3.15.08 FOIL request from Joseph Polniak, 2 Sawgrass Lane, regarding rezone application for 6050 Broadway (Tim Horton's).
- 3.15.09 Sign in sheet for the meeting held 3/09/17 for "The Rock".
- 3.15.10 Copy of resolution of 3/06/17 approving 3 lot Haskell subdivision.
- 3.15.11 Notice of public hearing to be held 3/20/17 at 7:15 P.M. for special use permit for telecommunication tower at 6733 Transit Rd.

- 3.15.12 ZBA minutes of 3/07/17 meeting.
- 3.15.13 Letter dated 3/09/17 from Leigh Smith, 12 Tranquility Trail, in support of the expansion and rezone for Children's Kastle.
- 3.15.14 SEQR response dated 3/03/17 from EC Division of Environment and Planning regarding 6 month moratorium on construction of commercial solar energy farms.
- 3.15.15 SEQR response dated 3/06/17 from EC DPW regarding Schuster 3 lot subdivision on Haskell Dr.
- 3.15.16 SEQR response dated 3/08/17 from EC Department of Environment and Planning regarding Superior Pallets addition.
- 3.15.17 Letter via email from David Hangauer dated 3/11/17 with information and comments regarding Eastport in relation to the Lancaster airport.

Chair Connelly met with Jeff Palumbo of Barclay Damon and Kevin Kirk, Architect for Uniland Development regarding the rezone request at Eastport Commerce Center. Mr. Kirk stated that they have exhausted every possible lead to develop the property now zoned Light Industrial. After several pros and cons were discussed it is clear that there is no support of granting the rezone request by the Planning Board. Supervisor Coleman and Councilman Abraham have also met with Mr. Palumbo and Mr. Kirk with similar discussions. Matt Fischione stated that there are many businesses currently in the Town of Lancaster that are in the incorrect zoning district and should be located in Light Industrial zoning. This shows that there is a need for LI zoning.

The Zoning Board of Appeals is repeatedly addressing fence variances on corner lots. The question was asked if a change in the fence code was necessary. Some areas of Lancaster could benefit from a blanket variance for their particular area.

REZONE PETITION-SIX UNIT TOWNHOUSE DEVELOPMENT AT 00 COMO PARK BOULEVARD BETWEEN PENORA STREET AND TRANSIT ROAD. CURRENTLY ZONED R-2, RESIDENTIAL DISTRICT TWO AND PROPOSED FOR MFR-3, MULTIFAMILY RESIDENTIAL DISTRICT THREE.

Ralph Lorigo and Christopher Streng presented the fully engineered plans with modifications to the location of the building from Como Park Boulevard and the property line abutting the Penora Street neighbors.

Site plan-Member Anderson requested that during site plan review, a clear drawing of the appearance of the building facing Como Park Boulevard be provided. Drainage issues and garbage removal will also be addressed in the site plan review.

Engineering-Robert Harris, Engineer stated that the site plan for the rezone requires 167' fronting on Como Park Boulevard be rezoned but the survey, Exhibit B, only shows 117' on Como Park Boulevard. The 50' paper street, known as Wendel Street is not included in the rezone. This would mean that the

rezone request does not rezone the entire site plan. Currently there are five parcels of land and they have not been combined. There are no future plans for the remaining land but Mr. Lorigo did not want a deed restriction put on the approval for the remaining land.

Rezone-Member Anderson was cautious about rezoning all of the parcels when a strip of land will not be used in the site plan. The rezone needs to have the parcels combined under one new S.B.L. and a new S.B.L. created for the remaining parcel not included in the site plan.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Kristin McCracken to recommend approval of the rezone to the Town Board with the following conditions:

1. Submittal of an amended rezone application
2. Filing of legal description and deed for the parcel created for site plan under one S.B.L.
3. Rezone approval to be tied to this project's Site Plan

Motion seconded by Joseph Keefe. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes
Anthony Gorski-No	Melvin Szymanski-Excused
Joseph Keefe-Yes	

Motion carried.

SITE PLAN REVIEW-PROJECT #1700, JOE BASIL TRUCK CENTER LOCATED AT 5111 TRANSIT ROAD. PROPOSED ADDITION OF 700 SQ. FT. FOR THE SALES OFFICE. SITE PLAN ALSO INCLUDES MINOR RELOCATION OF STORM SEWER AND GAS SERVICE WILL BE REQUIRED TO CONSTRUCT THE BUILDING.

Victor O'Brien, P.E. of C&S Engineers, Inc. and Stephanie Henry of Silvestri Architects, PC presented the site plan for the truck center office. The area is currently a paved surface for vehicle parking. The vehicles will be relocated on the site.

Exterior elevations-The building elevations will match the existing building along with the appearance of the exterior.

Travel pattern-No changes will be made to the travel pattern on site. The current curb cut lines up with the existing building.

It was noted that the site is becoming crowded and a Special Use Permit is needed for the property with the exception of the former Samco building.

Based on the information presented to the Planning Board, a motion was made by Rebecca Anderson to recommend approval of the site plan to the Town Board with the following condition:

1. A Special Use Permit needs to be obtained for the Entire Automotive Center

Motion seconded by Anthony Gorski. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Yes

Anthony Gorski-Yes
Joseph Keefe-Yes

Melvin Szymanski-Excused

Motion carried.

CONCEPT PLAN-22 LOT RESIDENTIAL DEVELOPMENT, LOCATED ON THE EAST SIDE OF HARRIS HILL ROAD AND SOUTH OF ELLICOTT CREEK.

Mike Metzger of Metzger Civil Engineers representing Grau Builders, property owners presented a 22 lot single family subdivision on a public road with a cul de sac at the end, which is allowed by town standards and only one means of access. The development is on 22 acres of land that is zoned AR-Agricultural Residential and will be connected to sewers. There is floodplain and Federal wetlands on the parcel. Mr. Metzger feels this is consistent with the character of the neighboring homes.

Engineering-The Storm water retention pond will remain privately owned and maintained by a Home Owners Association. Green space will remain along the Ellicott Creek Corridor. The detention pond is partially in the floodplain. The floodway is not depicted on the drawing submitted. Portions of lots are in floodplain and wetlands which causes an adverse effect to the north of this parcel where there is substantial flooding. There are many questions about the floodplain, floodway and the preliminary topographical study being conducted. The floodplain is most likely wider than indicated on the concept plan. The Base flood elevation in the center of the subdivision is 711. The wetland delineation is not back from the Army Corps. Of Engineers. Mr. Metzger stated that he will follow all Town, State and Federal rules in the development of these lots. Lots #10 & 11 are predominately in the wetland and the road may need to be shortened or reconfigured. Even though lots are monumented for floodplain, residents do encroach into the floodplain. If a 100' buffer was imposed on this parcel, the project would not be possible. In approximately 2002 there was terrible flooding along Ellicott Creek.

Site-There is currently a 66' access road of asphalt that enters the parcel. The new homes would be located behind existing homes on Harris Hill Road. This idea has been discussed in the past in other locations. The land that is landlocked will not be used as flag lots but will be maintained by the HOA.

Chair Connelly was skeptical that this will not have an effect on the community and an impact on traffic.

Traffic-Councilman Abraham noted that a traffic study would be necessary for the cumulative effect on Harris Hill Road.

Sidewalks-Sidewalks would be required for these lots but are suggested to end at lots #1 & 22 and stay inside of the development.

Member Gorski asked if the two existing lots on Harris Hill Road with existing homes would become nonconforming lots due to the 66' access road. That would need to be verified on a survey.

Zoning-The parcel is currently zoned AR and is being used as R-1. The question was raised as to when and how to change the zoning of this parcel without putting a burden on the applicant. In R-1 zoning

the road can be public or private. Member McCracken stressed that the change occur before any homes were constructed.

At this time no action will be taken and no promises were made to Mr. Metzger for the project.

Other items discussed

The Master Plan agreement with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. and a resolution for Windsor Ridge Subdivision will be on the agenda for the Town Board meeting, Monday, March 20th.

The public hearing for flag lots was held and the proposal may need SEQR review.

A meeting was held by Darlene Bartlett, owner of the Children's Kastle on March 9th and concerns were voiced about traffic, lighting and the curb cut onto Quail Run Lane among other items. The project is being scaled back and will not have the bowling alleys, outdoor movies at The Rock, and will not be open to the community. Chair Connelly spoke with Mrs. Bartlett and will allow her to present her revised project as a concept plan at a future Planning Board meeting.

Chair Connelly will begin meeting with a small group to work on the Solar Ordinance.

At 8:34p.m. a motion was made by Chair Connelly to adjourn the meeting. Motion seconded by Joseph Keefe and unanimously carried.



Town of Lancaster

TOWN PLANNING BOARD

21 Central Avenue
LANCASTER, NEW YORK 14086

MEMO

TO: Honorable Town Board
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: March 15, 2017

RE: Six unit Townhouse Development

PROJECT#: N/A

LOCATION: 00 Como Park Boulevard

TYPE: Rezone

RECOMMENDATION: Approval

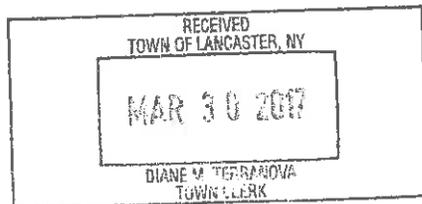
Roll call vote:

Chair Connelly-Yes
 Rebecca Anderson-Yes
 Anthony Gorski-No
 Joseph Keefe-Yes

Lawrence Korzeniewski-Yes
 Kristin McCracken-Yes
 Melvin Szymanski-Excused

CONDITIONS: None

COMMENTS: None





Town of Lancaster

TOWN PLANNING BOARD

21 Central Avenue
LANCASTER, NEW YORK 14086

MEMO

TO: Honorable Town Board
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: March 15, 2017

RE: Joe Basil Truck Center

PROJECT#: 1700

LOCATION: 5111 Transit Road

TYPE: Site Plan Review

RECOMMENDATION: Approval

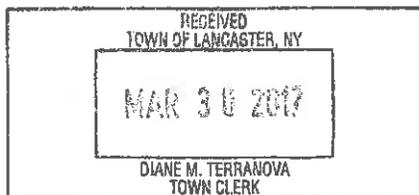
Roll call vote:

Chair Connelly-Yes
 Rebecca Anderson-Yes
 Anthony Gorski-Yes
 Joseph Keefe-Yes

Lawrence Korzeniewski-Yes
 Kristin McCracken-Yes
 Melvin Szymanski-Excused

CONDITIONS: None

COMMENTS: None





MEMORANDUM

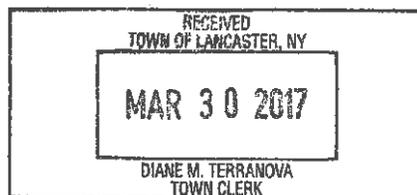
DATE: March 30, 2017
TO: Diane Terranova, Town Clerk
FROM: Chief Gerald J. Gill, Jr.
SUBJECT: Articles/Communications

A handwritten signature in black ink, appearing to read "Gerald J. Gill, Jr.", is written over the "FROM:" line.

Please place the attached documents on communications.

If there are any questions, please feel free to contact me.

Enclosures



THE
LANCASTER POLICE DEPARTMENT



525 Pavement Road
Lancaster, NY 14086

Tel: (716) 683-2800
Fax: (716) 681-2352

CHIEF OF POLICE
GERALD J. GILL, JR.

March 17, 2017

Mr. John Chmarney
Lancaster Area Chamber of Commerce
11 West Main Street, Suite 100
Lancaster, NY 14086

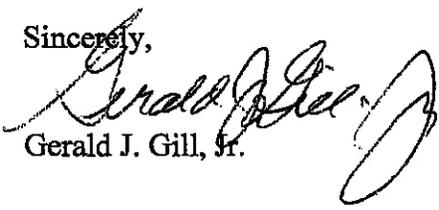
Mr. Chmarney:

As you may be aware, the Lancaster Police Department has worked in proactive collaboration with Lancaster businesses to address various concerns relative to security, loss prevention and violence mitigation.

In the recent past, we have offered workshops to the local banks, motel operators and the New York State Electric and Gas Corporation.

This communication is a standing invitation for the Chamber of Commerce to call on the knowledge of the women and men of the Lancaster Police Department should there be a particular public safety subject matter that a group of local businesses desire to learn more about.

Sincerely,


Gerald J. Gill, Jr.

GJG/as

Gerald Gill

From: Cereo, Michael P. -
Sent: Friday, March 17, 2017 9:36 AM
To: Gerald Gill;
Subject: Thank you

Good Morning,

I would like to convey my gratitude and appreciation to your departments for their participation in the investigation against Robert [REDACTED]. The cooperation and coordination of all the law enforcement contributed to the overall success of this investigation. On March 16, 2017, our agencies arrested two defendants (including MOORE), seized several bundles of heroin, approximately 10-15 thousand dollars in currency (waiting on official bank count), Jewelry (estimated to be appraised in the hundreds of thousands of dollars – pending official appraisal) and a 2009 Audi sedan. We look forward to continuing our partnership and ridding our communities of these drug dealers that are poisoning our youth.

Thank you
Mike

Michael Cereo
Supervisory Special Agent
Buffalo Resident Office
535 Washington Street, Suite 500, Buffalo, NY

Gerald Gill

From: Shawn Marshall <smarshall@lancastervillage.org>
Sent: Tuesday, March 28, 2017 7:40 PM
To: Gerald Gill
Cc: Jeffrey Smith
Subject: Thank you.

Chief Gill & Lt. Smith,

I wanted to drop both of you a quick note to say "Thank You".

Thank you, for the assistance that your patrol officers have given me when requested. Most recently it was with an unsecured vacant home but, whenever I call they are happy to assist and help to stay safe. I realize that your staff is busy, and yet they seem ready at a phone call. When I call, I am sure to preface with "if someone is available", again your staff is busy.

So, again, I appreciate the assistance given when requested.

Yours truly,

Shawn M. Marshall
Village of Lancaster
Code Enforcement Officer

smarshall@lancastervillage.org

'Ride for Bryce' pedaling through Lancaster in May

Bicyclists participating in the fifth annual Ride for Bryce on May 7 will experience a different route through the village and town of Lancaster, village trustees were told Monday night.

Anne Farmer, secretary for the Bryce Buchholz Memorial Fund, appeared before the village board to request assistance with traffic control from the fire and police departments.

Fire Chief James S. Volpe expressed concern with the 38 intersections the bicyclists cross during the ride. He suggested the participants be escorted through the village streets by first responders who would be stationed at the front and rear of the pack.

"That saves us from covering all intersections," Volpe said.

The event will honor the memory of Bryce Buchholz (<http://buffalonews.com/2014/09/27/skate-park-honoring-lancaster-teen-set-to-open/>), a Lancaster Middle School student who was struck and killed by a drunken driver (<http://buffalonews.com/2012/09/14/lancaster-man-sentenced-in-death-of-bicyclistgets-1-to-3-years-judge-slams-bartenders-who-served-driver/>) on May 3, 2012 as he rode his BMX bike on Lake Avenue.

The ride starts at 11 a.m. May 7 and should last no later than 1 p.m.

2 Rochester men arrested on felony robbery charges in Lancaster



(<http://s3.amazonaws.com/bncore/wp-content/uploads/2017/03/Frisch.jpg>)

Michael Frisch (Courtesy of Lancaster Police Department)

Lancaster police Thursday arrested two Rochester men minutes after the suspects robbed a credit union on Brunswick Road in the Village of Lancaster.

Michael Frisch, 30, and Kevin Wood, 56, were stopped in their getaway vehicle at about 5:30 p.m. on Ransom Road by Lancaster police detectives Edward Wojtal and Mark Fowler, who received a description of the car from patrol officers at the scene, according to Town of Lancaster Police Department Chief Gerald J. Gill Jr.

Neither of the suspects was believed to have been armed at the time of the robbery, a police official said. Both men are being investigated for a string of robberies in the Rochester area and in Genesee County, he added.



Frisch and Wood each face charges of first-degree robbery and third-degree grand larceny, Gill said.

Wood, who is currently on parole, was being held without bail Friday. Gill said Wood has 11 previous convictions dating to the 1980s.

Frisch was being held on \$100,000 bail.

(<http://s3.amazonaws.com/bncore/wp-content/uploads/2017/03/Woods.jpg>)

Kevin Wood (Courtesy of Lancaster Police Department)

THE BUFFALO NEWS

Reward offered in 1982 Halloween slaying of Depew High senior



Lancaster police are hoping a \$10,000 reward will lead to an arrest in the cold case slaying of James Adamski in 1982.

By Dan Herbeck (http://buffalonews.com/author/dan_herbeck/)

Published Thu, Mar 23, 2017

For well over 34 years, Lancaster Town Police have been trying to find out who killed 18-year-old James Adamski after a Halloween party.

The vicious crime has been investigated repeatedly since 1982, without luck. Now, police are hoping a \$10,000-plus reward will help them to find the answers that have eluded them for decades.

Town police and officials of the Crime Stoppers Buffalo program announced the posting of the reward Thursday.

"We've tried everything else, and we've kind of hit the wall on this case," said Detective Lt. James N. Robinson of the town police. "It could take just one person, with the right information, to come forward and help us make this case. If nothing else, it would provide some closure to this young man's family."

Police Chief Gerald Gill said he has tried many times to imagine what happened to Adamski after he walked away from the Transit Road bar that night.

"These are the cases that keep a police officer awake at night," said Gill. "We hope the reward finally helps to bring this family some justice."

The reward was announced in a news conference at Lancaster's police headquarters. Erie County District Attorney John J. Flynn Jr. joined Lancaster police for the announcement.

A senior at Depew High School, Adamski had attended an "all you can drink" Halloween party at a bar on Transit Road in Depew. He disappeared after heading off on foot toward his Cheektowaga home early Halloween morning. Police said he was last seen walking alone along Transit Road near Broadway at around 3:30 a.m.

Cold Case Files: 34 years later, Halloween murder haunts family

([//buffalonews.com/2016/10/30/thirty-four-years-later-halloween-murder-haunts-family/](http://buffalonews.com/2016/10/30/thirty-four-years-later-halloween-murder-haunts-family/))

His mother, the late Rosemarie Adamski, called police the next morning to report her son missing. Adamski's body was not found until nearly two months later. Rabbit hunters discovered the body under some brush off Ransom Road in Lancaster on Dec. 26, 1982, about 4 miles from where James was last seen alive. He had been brutally beaten with a blunt instrument.

Police theorize that the killer was familiar with the area where Adamski's body was found.

"His body was found in an area near some railroad tracks, well off the road, an area that would not be well-known or easily accessible to most people," Gill said.

Adamski was still wearing his gaudy Halloween costume, police said.

Over the years, State Police have assisted Lancaster detectives in their investigation. Police said dozens, if not hundreds of potential witnesses have been interviewed since the slaying.

"Over the years, we've looked into three possibilities – that he was the victim of a serial killer, that someone who saw him at the Halloween party killed him, or that he was picked up as a hitchhiker and that the person who picked him up killed him for some reason," Robinson said. "The killer knows what happened. Maybe the killer told someone else, and we hope that person will tell us."

Flynn said it is possible that somebody who was at the Halloween party that night in 1982 may have observed some kind of interaction that seemed unimportant at the time, but could turn out to be significant. He asked that anyone who witnessed anything even slightly unusual contact authorities.

Police said they have never found evidence that anything that happened at the party led to the slaying.

When Adamski left the party, Robinson said, a young woman walked south with him along Transit Road for "about 300 to 400 yards" before the two went their separate ways. The young woman was questioned, but police found no reason to suspect that she was linked to the murder.

"His killer still walks free," Flynn said. "This young man's life was taken way too soon, and his family has been waiting for answers far too long."

The police department will use \$10,000 that was forfeited by a drug dealer to fund the reward, according to Gill. The Crime Stoppers Buffalo program will add up to \$1,000 more to the fund.

"Hopefully, we can put this drug dealer's money to a good use," Gill said.

Police Identify Decayed Body As a Missing Cheektowaga Teen

DEC 27 1982

By GENE WAGNER
Lancaster police today positively identified the body found in a shallow makeshift grave Sunday afternoon as that of an 18-year-old Cheektowaga man missing since Oct. 30.

Chief Thomas E. Fowler identified the victim as James B. Adamski, 18, of Cheektowaga, who had been missing since he left Transit Road Tavern in Depew late on the night of Oct. 30.

Chief Fowler said that a ring, bracelet and watch found on the decomposed, partially clothed body matched the description of the same items worn by Mr. Adamski on the night he disappeared. The victim's general physical build and the color and style of his hair also apparently matched, the chief said.

A positive identification will not be made until authorities are able to match either the victim's dental



James B. Adamski, missing since Oct. 30.

records of fingerprints with those found on the body. Lancaster police investigators

today were trying to locate several male friends seen in the area of the Transit Road tavern with the teen on Oct. 30, as they look for clues in the apparent homicide.

An intensive Cheektowaga police search for Mr. Adamski launched in early November authorities theorized that he would not have left the area of his own will. Authorities, speculating that he could have been hit by a car, searched for an unconscious person in the area, but with no success.

Chief Fowler added that he had no indication of how Mr. Adamski was killed.

The body was found by two hunters under a mound of brush off a wooded area off Transit Road when they were hunting rabbits about 5 p.m. Sunday.

Victim Died Of Head Injury, Autopsy Shows

DEC 26 1982

The Erie County medical examiner late Monday listed "multiple blunt head trauma" as the cause of death of a young man whose body was found Sunday in the town of Lancaster.

Positive identification of the body is awaiting completion of dental charts, Lancaster police have tentatively identified the victim as James B. Adamski, 18, of Cheektowaga, who had been missing for two weeks.

Police Chief Thomas E. Fowler said a ring, bracelet and watch found on the decomposed, partially clothed body matched descriptions of articles worn by Mr. Adamski when he was last seen.

The victim's general physical build and the color and style of his hair also apparently matched, Chief Fowler said.

The body was discovered under a pile of brush off Transit Road near railroad tracks by two Buffalo men hunting rabbits about 5 p.m. Sunday.

Killing of Teen Is Probed For Torture-Slaying Link

JAN 1 1983

JAN 1 1983

By GENE WAGNER
Area police sources today confirmed that investigators are comparing notes in last weekend's torturing killing of a young North Ogden Street man and the suspected homicide of an 18-year-old Cheektowaga man whose body was found in a makeshift grave Dec. 30.

Both of the young men were repeatedly injured in a physical attack and both of them were left in field-type areas with their clothes removed, one police source said.

Buffalo police have arrested a murder suspect in last weekend's grisly killing of John Dorak, 19, who was stabbed 10 times and found in a manhole off Old Bailey Avenue Sunday.

Meanwhile, town of Lancaster police still are probing the killing of James B. Adamski, 18, of Cheektowaga, whose decomposed body was found by hunters under a mound of brush off Transit Road. Mr. Adamski had been missing

since Oct. 30.

When asked about reports that investigators are comparing notes on the killing, Lancaster Town Police Chief Thomas E. Fowler replied, "It certainly has looked into the possibility."

Chief Fowler said the Adamski youth died of severe damage to the front and side of the skull inflicted by "at least a dozen separate blows by blunt and sharp objects."

Mr. Adamski was last seen alive in the early morning hours as he walked home from a Transit Road tavern, where he worked and changed his shirt and pants occasionally, just as far as a neighbor, identify nothing, Chief Fowler said. "It's very frustrating."

Lancaster investigators have talked to many youths who were in

the area thought by Chief Fowler would lead to any information on the "several youths" reportedly seen leaving the bar shortly after the victim's walking in the same direction.

Chief Fowler also is soliciting information from witnesses who may have seen the Adamski youth on Transit Road between Lancaster and Cheektowaga Sunday evening.

A Depew policeman stopped and talked with the victim about 4 1/2 p.m. as the youth was walking on Transit Rd. However, there also was a later report of a young man walking on Transit near Gene Park Boulevard.

The police said they may have been misled by a sign in that area, the chief said.

There is some concern that the time that the Adamski youth was last seen because it was the night Dorak was shot an hour to and David's Bar.

(<http://s3.amazonaws.com/bncore/wp-content/uploads/2017/03/cold-case-headlines009.jpg>)

News clippings from The Buffalo Evening News' coverage of the 1982 slaying of James Adamski, 18.

Andy Adamski, 42, told The News this week he hopes the reward will inspire a witness to come forward. He said he still misses James, whom he described as a thoughtful, caring and fun-loving older brother who was generous to a fault. He said his mother, who died in

3/30/2017

Reward offered in 1982 Halloween slaying of Depew High senior - The Buffalo News

2005, and his father, Bernard, who died in 2000, never got over their loss.

"I feel like my parents never have rested in peace," Andy Adamski said. "Maybe an arrest in this case would help them to finally rest in peace...I just want this to be over."

In addition to Andy Adamski, the victim is survived by another brother and a sister.

"We want this family to know, in no uncertain terms, that the case will remain open," Gill said. "We're not going to give up."

Anyone with information about the case is asked to call Crime Stoppers Buffalo at 716-867-6161 or email info@crimestoppersbuffalo.com (<mailto:info@crimestoppersbuffalo.com>).