

**PRESENTATION OF PREFILED RESOLUTIONS:**

**1**

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

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held August 23, 2021 be and are hereby approved.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

2

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

Claim No. 66099 to Claim No. 66301 Inclusive

Total amount hereby authorized to be paid: \$989,543.44

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

**CODES:**

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

**NEW PERMITS:**

Pmt #	SW	Applicant	Village	
	Name	Address	STRUCTURE	
2021002		Fisher Associates	175 Pavement Rd	Develop Floodplain
31378		Scott Kozak	33 Tanglewood Dr	Er. Shed
31728		Ronald Czapla	200 St Marys St	Er. Fence (V/L)
31955		Alliance Homes	13 Kevwood Ln	Er. Dwlg.-Sin.
31991		Alliance Homes	4 Gailenwood Ln	Er. Dwlg.-Sin.
32746		Alex Demartine	38 St Marys St	Dem. Garage (V/L)
32747		Alex Demartine	38 St Marys St	Dumpster - Temp. (V/L)
32878		Kevin Wyckoff	128 Laverack Ave	Er. Fence (V/L)
32923		Mr. Pool Enterprises Ltd.	14 Rose St	Er. Pool-In Grnd
33046		Signmatic Systems, Inc.	1 Pleasant Ave W	Er. Sign (V/L)
33117		Crist Construction	93 Avian Way	Er. Porch/Porch Cover
33196		All Square Roofing	5252 William St	Re-Roof
33199		Schuster Construction LLC	110 Aurora St	Er. Porch/Porch Cover (V/L)
33200		Decks Unlimited Construction	60 Worthington Ln	Er. Res. Alt.
33201		Superior General Contracting 1	23 Fairfield Ave	Er. Res. Add. (V/L)
33203		David Zelak	71 Brandel Ave	Er. Res. Alt. (V/L)
33212		Beauty Pools Inc.	82 S Irwinwood Rd	Er. Pool-In Grnd (V/L)
33215		3-D Home Contractors LLC	105 Robert Dr	Er. Res. Add. (V/L)
33222		James Jeziorski	134 Avian Way	Er. Fence
33227		Green Lawn Landscapes	38 Newell Ave	Er. Res. Alt. (V/L)
33228		Besroi Construction	2209 Como Park Blvd	Re-Roof (V/L)
33229		Besroi Construction	6635 Transit Rd	Re-Roof
33230		Timothy Haniszewski	1159 Ransom Rd	Er. Porch/Porch Cover
33231		Rich Pools	1130 Penora St	Er. Pool-Abv Grnd
33232		Daniel Dekruger	443 Central Ave	Re-Roof
33233		Stately Builders Inc.	547 Lake Ave	Er. Pole Barn
33234		OT Builders, LLC	63 Worthington Ln	Er. Porch/Porch Cover
33235		Northeast Transit & William	4961 Transit Rd	Er. Res. Alt.
33236		Marcey Bryant	686 Pleasant View Dr	Er. Fence
33237		NAS Quick Sign Inc.	4805 Transit Rd	Er. Sign
33238		Marc Schneider	110 Avian Way	Er. Shed
33239		Eric Springer	1 Hemlock Ln	Er. Pool-Abv Grnd
33240		Zenner & Ritter Co. Inc.	271 Schwartz Rd	Inst. Generator
33241		Cellino Plumbing Inc.	1294 Penora St	Inst. Res. Plumbing
33242		Douglas Sexton	36 W Drullard Ave	Er. Shed (V/L)
33243		Tom Bunk	23 Northfield Ln	Inst. Generator
33244		Jerome Boyd	676 Pleasant View Dr	Er. Pool-In Grnd
33245		Carolyn Rex	27 St Joseph St	Er. Shed (V/L)
33246		The Gutter People Of WNY	2030 Como Park Blvd	Re-Roof (V/L)
33247		Paul Tryjankowski	22 Matthews Dr	Er. Fence
33248		LJ Construction WNY LLC	13 Thomas Dr	Re-Roof
33249		Michael Owens	335 Pleasant View Dr	Re-Roof
33250		William C. Rott & Sons Inc.	19 Ashwood Ct	Re-Roof
33251		William C. Rott & Sons Inc.	6 Willow Ridge Ct	Re-Roof
33252		Daniel Santana	3725 Bowen Rd	Er. Pole Barn
33253		Sitzmans Appliance Center	13 Weathersfield Ln	Inst. Generator
33254		Aqua Systems of WNY	9 Northfield Ln	Inst. Ingrmd. Sprinkler
33255		Benjamin Hollander	116 Avian Way	Er. Shed
33256		Premier Fencing LLC	58 Avian Way	Er. Fence
33257		Claire Roman	38 Gale Dr	Er. Fence
33258		Zenner & Ritter Co. Inc.	589 Central Ave	Inst. Generator
33259		Leo M. Cudney Construction	483 Central Ave	Re-Roof
33261		Michael Dersam	37 Maple Dr	Re-Roof
33263		Neth & Son Inc.	88 Robert Dr	Re-Roof (V/L)
33264		Kurt Diesfeld	123 Avian Way	Er. Fence
33266		Erin Ancker	7 Sugar Mill Ct	Er. Fence
33267		Erin Ancker	7 Sugar Mill Ct	Er. Shed
33269		Beebe Construction Inc.	42 Pheasant Run Ln	Re-Roof

33270	Christopher Haynes	157 Nathan's Trl	Er. Pool-Abv Grnd	
33271	Troy Durrance	147 Irwinwood Rd	Re-Roof	(V/L)
33272	James Pace	658 Pleasant View Dr	Er. Fence	
33273	Besroi Construction	14 Division (V) St	Re-Roof	(V/L)
33274	O'Connor Contracting	404 Central Ave	Re-Roof	
33275	Russell Licata	250 Erie St	Re-Roof	
33276	F&D Construction Inc.	24 Banner Ave	Er. Res. Alt.	(V/L)
33277	Zenner & Ritter Co. Inc.	570 Ransom Rd	Inst. Generator	
33280	Anthony Lleras	13 Parkedge Dr	Er. Shed	
33285	Michelle Campbell	15 W Payne St	Re-Roof	(V/L)

**BE IT FURTHER,**

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

4

**WHEREAS**, the Town of Lancaster received a rezone and site plan application from Barclay Damon LLP as representative for 4781 Transit Road, Inc., proposing to rezone 4781 Transit Road (SBL No. 126.01-1-8.2) from General Commercial with Access Management Overlay District to Multifamily Multi Use and the proposed construction of a three-story building to include 14 multi-family units with +/- 8,000 sq. ft. of retail space along with a separate 2,000 sq. ft. bank building, on a +/- 1.68 acre-parcel (the “Action”), and

**WHEREAS**, the Town Board of the Town of Lancaster (the “Town Board”) must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Action, and

**WHEREAS**, the Town Board is an involved agency pursuant to SEQRA, and

**WHEREAS**, the Town Board has determined that the Action is a “Type I” action under SEQRA, requiring a coordinated review, and

**WHEREAS**, the Town Board intends to serve as the Lead Agency for the coordinated SEQRA review of the Action.

**NOW, THEREFORE,**

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

1. The Action is hereby determined to be a Type I action under SEQRA.
2. The Town Board hereby declares its intent to act as Lead Agency, pursuant to SEQRA, for the purpose of conducting the environmental review of the Action.
3. The Town Board hereby directs the Town Attorney to send the Notice of Intent to Act as Lead Agency to the other involved/interested agencies, pursuant to SEQRA.
4. This Resolution shall be effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

THE FOLLOWING RESOLUTION WAS OFFERED 5  
BY COUNCIL MEMBER WOZNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS, Union Concrete Construction Corp.**, 435 Meyer Road, West Seneca, New York 14224, the contractor for the Town of Lancaster's Capital Improvement Maple Drive, Vertical Pavement Curve project submitted Change Order No. 1 in the amount of \$5,346.84 to the Town Board for their approval, based on the description of work previously provided to the Town Board.

**NOW, THEREFORE,**  
**BE IT RESOLVED,** that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to **Union Concrete Construction Corp**, with respect to the outlined descriptions provided to the Town Board:

**DESCRIPTION OF CHANGE ORDER NO. 1:**

Additional compensation for installation of new galvanized-box-beam guide rail on Maple Drive.

**CHANGE ORDER NO. 1:**

The original Contract Sum was .....	\$	149,995.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	5,346.84
The new Contract Sum including this Change Order will be...	\$	<b>155,341.84</b>

**BE IT FURTHER,**  
**RESOLVED,** that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

**WHEREAS**, the Town of Lancaster’s 2021 Waterline Project, which consists of the replacement of the Watermains on Brunck Road and Siebert Road, requires Licensed Professionals to provide necessary surveying, mapping, and design specification services, and

**WHEREAS**, the Town Engineer Edward Schiller, obtained seven (7) written Requests for Proposals for this project pursuant to §104 of General Municipal Law and in accordance with the Town of Lancaster’s Procurement Policy, and

**WHEREAS**, by letter dated August 23, 2021, Edward Schiller recommended that the Town of Lancaster contract with Erdman Anthony, to perform these professional services for the Town’s 2021 Waterline Project, at the cost of \$119,300.00 per their Cost Proposal dated August 6, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the contract, as presented, between the Town of Lancaster and Erdman Anthony, 8608 Main Street, Buffalo, NY, to provide professional surveying, mapping and design specification services for the 2021 Waterline (Brunck and Seibert Roads’ watermain replacement) Projects within the Town of Lancaster in the amount of \$119,300.00 per their Cost Proposal dated August 6, 2021 and to be paid for with funds available from the April 19, 2021 Consolidated Water District Capital Improvements Project (Phase I) Bond.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

7

**WHEREAS**, the Town of Lancaster’s Heritage Trail Bike Path extends from Walter Winter Drive to Town Line Road and intersects with Pavement Road, Schwartz Road, and Ransom Road, all of which are owned and maintained by Erie County, and

**WHEREAS**, in the interest of public safety pedestrian “Stop Signs” have been placed inside the County roads’ rights-of-way at the path’s intersection with Pavement, Schwartz and Ransom Roads, to alert pedestrians to the upcoming roadway and possible vehicle traffic in order to require them to yield to all traffic before entering and crossing the roads in the crosswalks.

**NOW, THEREFORE,**

**BE IT RESOLVED**, as follows:

1. That a Certified Copy of this resolution be posted on the Town Bulletin Board.
2. That the Highway Superintendent take whatever action is necessary to ensure the signs are properly installed in accordance with the Law.
3. That the Highway Superintendent is authorized to sign the Erie County Sign Permit once received from the Erie County Traffic Safety Engineer.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021



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

8

**RESOLVED**, that Town Hall Offices, be opened from 8 A.M. to 4 P.M. every day, Monday through Friday, during the remainder of the year 2021, except legal holidays, effective September 8, 2021.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

**WHEREAS**, Detective Captain Jeffrey D. Smith of the Town of Lancaster Police Department, by letter dated August 30, 2021, has requested authorization for three (3) members of the Lancaster Police Department to attend the Fire/Arson Investigation Seminar in Montour Falls, New York from November 3-5, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Detectives Thomas Bulera, Jason Batt, and Grant Gunsher of the Town of Lancaster Police Department, are hereby authorized to attend the Fire/Arson Investigation Seminar in Montour Falls, New York from November 3-5, 2021.

**BE IT FURTHER,**

**RESOLVED**, that the total cost of attendance for three (3) detectives at the above mentioned training course is hereby authorized in an amount not-to-exceed \$1,180.00 for actual and necessary expenses, including the cost of registration, lodging, travel, and meal expenses for three (3) days on the specified dates of training, and

**BE IT FURTHER,**

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

10

**WHEREAS**, Detective Captain Jeffrey D. Smith of the Town of Lancaster Police Department, by letter dated August 30, 2021, has requested authorization for one (1) member of the Lancaster Police Department to attend the Vehicle Fire Investigation Seminar in Montour Falls, New York from October 11-13, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Detective Robert Cornell of the Town of Lancaster Police Department, is hereby authorized to attend the Vehicle Fire Investigation Seminar in Montour Falls, New York from October 11-13, 2021.

**BE IT FURTHER,**

**RESOLVED**, that the total cost of attendance at the above mentioned training course is hereby authorized in an amount not-to-exceed \$555.00 for actual and necessary expenses, including the cost of registration, lodging, travel, and meal expenses for three (3) days on the specified dates of training, and

**BE IT FURTHER,**

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

THE FOLLOWING RESOLUTION WAS OFFERED 11  
BY SUPERVISOR RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS**, a Public Hearing was held on the 23<sup>rd</sup> day of August, 2021, for the purpose of amending Chapter 350 - Vehicle and Traffic Ordinance of the Code of the of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted.

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

1. That Chapter 350, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof.
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on September 7, 2021.
3. That a Certified Copy thereof be published in the Lancaster Bee on September 9, 2021.
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board.
5. That Affidavits of Publication and Posting be filed with the Town Clerk.
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.
7. That the Highway Superintendent is authorized to sign the Erie County Sign Permit once received from the Erie County Traffic Safety Engineer.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

**NOTICE IS HEREBY GIVEN** that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 350 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 350**

**ARTICLE VII – Turning Movements**

**§350-8.** Turning Regulations/Restrictions in designated locations:

A. Vehicles are prohibited from making left turns at the following locations between the hours of 3:00 P.M. and 6:00 P.M., Monday through Friday:

**(1) Stutzman Road onto Pleasant View Drive, (sign placement on the northwest corner of Stutzman Road).**

**September 9, 2021**

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

**THIS IS TO CERTIFY** that **I, DIANE M. TERRANOVA**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 7<sup>th</sup> day of September 2021, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 7<sup>th</sup> day of September 2021.

\_\_\_\_\_  
Diane M. Terranova, Town Clerk

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

12

**WHEREAS**, Marybeth Gianni, Recreation Supervisor – Senior Center of the Town of Lancaster, by letter dated August 24, 2021 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Senior Center.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following individual is hereby appointed to the following part-time permanent position in the Town of Lancaster Senior Center, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees:

<b>NAME</b>	<b>ADDRESS</b>	<b>POSITION</b>	<b>HOURLY RATE</b>	<b>EFFECTIVE DATE</b>
London Worden	Lancaster, NY	Recreation Instructor	\$30.45	September 13, 2021

**BE IT FURTHER,**

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

13

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

**WHEREAS**, a proposed Local Law of the year 2021 has been introduced, by Council Member Leary entitled, "A Local Law to Opt-Out of allowing Cannabis Retail Dispensaries and On-Site Consumption Locales authorized under Cannabis Law §131", and

**WHEREAS**, the proposed Local Law of 2021 shall be in the form attached hereto and made a part hereof, and

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

**NOW, THEREFORE,**

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

1. A public hearing for the proposed Local Law is hereby set for the 4<sup>th</sup> day of October 2021 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing in accordance with the Municipal Home Rule Law and the Open Meetings Law.
3. This resolution is effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted September 7, 2021, the said Town Board will hold a Public Hearing on the 4<sup>th</sup> day of October 2021 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to add a chapter entitled "A Local Law to Opt-Out of allowing Cannabis Retail Dispensaries and On-Site Consumption Locales authorized under Cannabis Law §131." Copies of the proposed Local Law can be reviewed at Town Hall. At the time and place stated above, all interested members of the public shall be heard.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: Diane M. Terranova  
Town Clerk**

**September 9 & 23, 2021**



**Town of Lancaster**  
**Local Law No. \_\_\_\_ of 2021**

**A Local Law to Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law §131.**

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

**Section 1: Legislative Intent**

It is the intent of this local law to opt the Town of Lancaster out of allowing retail cannabis dispensaries and on-site cannabis consumption locales within the Town of Lancaster that would otherwise be allowed under the Cannabis Law.

**Section 2: Authority.**

This local law is adopted pursuant to Cannabis Law §131, which expressly authorizes the Town Board to adopt a Local Law requesting the Cannabis Control Board to prohibit the establishment of retail cannabis dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town of Lancaster and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

**Section 3: Local Cannabis Retail Dispensary and On-site Consumption Opt-Out.**

The Town Board of the Town of Lancaster, County of Erie, State of New York, hereby opts-out of allowing cannabis retail dispensaries and cannabis on-site consumption locales from being established and operated within the Town of Lancaster.

**Section 4: Severability.**

Should a court determine that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is unconstitutional or invalid, such court order or judgement shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, firm, corporation, or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

**Section 5: Permissive Referendum/Referendum on Petition.**

This Local Law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

**Section 6: Effective Date.**

This Local Law shall be effective upon its filing with the Secretary of State. Pursuant to Cannabis Law §131, this Local Law is subject to Permissive Referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition, or a referendum has been conducted approving the Local Law.

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

**WHEREAS**, the Town of Lancaster received a site plan application from ESG Properties of WNY, LLC in conjunction with EnSol, Inc., for the proposed construction and operation of a Restricted Use/Limited Use Soil Fill Recycling Facility located at 6125 Genesee Street, on a portion of a +/- 95-acre parcel as (the “Action”), and

**WHEREAS**, the Town Board of the Town of Lancaster (the “Town Board”) must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Action, and

**WHEREAS**, the Town Board is an involved agency pursuant to SEQRA, and

**WHEREAS**, the Town Board has determined that the Action is a “Type I” action under SEQRA, requiring a coordinated review, and

**WHEREAS**, the Town Board intends to serve as the Lead Agency for the coordinated SEQRA review of the Action.

**NOW, THEREFORE,**

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

1. The Action is hereby determined to be a Type I action under SEQRA.
2. The Town Board hereby declares its intent to act as Lead Agency, pursuant to SEQRA, for the purpose of conducting the environmental review of the Action.
3. The Town Board hereby directs the Town Attorney to send the Notice of Intent to Act as Lead Agency to the other involved/interested agencies, pursuant to SEQRA.
4. This Resolution shall be effective immediately.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

**WHEREAS**, Ronald Ruffino, Sr., Town Supervisor of the Town of Lancaster has recommended the reappointment of Keith Stoerr as a member of the Town of Lancaster Zoning Board of Appeals after Mr. Stoerr’s brief resignation and break in service.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Keith Stoerr, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Zoning Board of Appeals for the term of September 8, 2021 through December 31, 2025, thereby filling his previous term, and

**BE IT FURTHER,**

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

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

16

**WHEREAS**, the Town Board of the Town of Lancaster previously held a public hearing pursuant §400-78 Special use permits, of the Code of the Town Lancaster, upon the application of Timothy Packman, on behalf of **Lancaster Speedway Properties, LLC**, to operate a motor sport speedway/dragway (a Commercial recreation activity) on premises locally known as 57 Gunnville Road (SBL No. 83.00-5-4), Lancaster, New York, and the Board issued such Special Use Permit on June 18, 2018, for a two (2) year period, and

**WHEREAS**, by application dated June 24, 2021, Sylvia Antonicelli, Operations Manager of New York International Raceway Park/Lancaster National Speedway, has requested that the Town Board amend the original Special Use Permit to include allowing a venue for small outdoor concerts and renew the Special Use Permit for an additional two (2) year term, and

**WHEREAS**, Matt Fischione, the Code Enforcement Officer, has recommended the renewal of this Special Use Permit by his letter dated July 13, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED** as follows:

1. That pursuant to Chapter 400-Zoning, Article VI Industrial Districts, §400-20(B)(1)(q), Light Industrial District, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the Special Use Permit amendment and renewal to **Sylvia Antonicelli, Operations Manager of New York International Raceway Park/Lancaster National Speedway** to operate a motor sport speedway/dragway and a venue for small outdoor concerts, on premises located at 57 Gunnville Road (SBL No. 83.00-5-4), in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period June 18, 2021, through June 17, 2023, and

2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:

1. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before June 17, 2023.
2. Provide plans and details for crowd management as specified in the 2020 FCNYS, Section 403 and any updated versions thereafter.
3. Provide proof of adherence to all New York State Department of Transportation rules, requirements and regulations pertaining to such activity.
4. Provide a copy of the business' New York State Tax Employer Identification Number.
5. Provide an activity schedule to the Town Clerk and Town Police Department each year prior to the opening of the speedway.
6. Adhere to the provided activity schedules and provide advance notification of any schedule changes to the Town Clerk and the Town Police Department.
7. Strictly conform to the specified hours of operation as stated in Chapter 221-Noise (Section 7(D) for motor sport raceway events and Section 7(G) for concerts) of the Code of the Town of Lancaster. Failure to comply will result in penalties as outlined in Chapter 221, Section 8 being imposed.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

17

**WHEREAS**, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated August 26, 2021, has requested the purchase of **one (1) new and unused Felling FT-16 IT-1 Drop Deck Tilt Trailer (#156257)** for use by the Highway Department, and

**WHEREAS**, this trailer is available under New York State Contract PC69232 Group 40625 Award No. PGB-22792, from New York State Contractor Felling Trailers, Inc., through NYS Authorized Dealer Tracey Road Equipment, Inc., for a cost of \$15,364.00, per their quote dated August 24, 2021, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

**WHEREAS**, the Town Board deems it in the public interest to approve the purchase of the **one (1) new and unused Felling FT-16 IT-1 Drop Deck Tilt Trailer (#156257)** from Tracey Road Equipment.

**NOW, THEREFORE,**

**BE IT RESOLVED**, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused Felling FT-16 IT-1 Drop Deck Tilt Trailer (#156257)** off of New York State Contract PC69232, Group 40625 Award No. PGB-22792, from the 2021 approved State contractor Felling Trailers, Inc., through NYS Authorized Dealer Tracey Road Equipment, 300 Middle Road, Henrietta, New York, as proposed by the Town of Lancaster Highway Superintendent for a total cost not to exceed \$15,364.00, per their quote dated August 24, 2021, and which will be paid for with funds approved in the March 15, 2021 Highway Department Acquisition of Equipment & Machinery Bond Resolution.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

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

18

**WHEREAS**, David Capretto, 470 Cayuga Road, Buffalo, New York, 14225 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Hidden Meadow Phase III Subdivision, and

**WHEREAS**, the Town Engineer has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Public Improvement Permit Application No. 835 of David Capretto, 470 Cayuga Road, Buffalo, New York 14225, for the installation of:

- Installation of five (5) light poles and fixtures.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021

THE FOLLOWING RESOLUTION WAS OFFERED 19  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS**, Nick Kwasniak, of the Niagara Lutheran Health System, has submitted a site plan amendment prepared by GHD Consulting Services, Inc., containing a cover sheet and drawings C001 through C004 dated March 2021, and received April 26, 2021, for proposed parking lot improvements at the Greenfield Campus located at 5949 Broadway (SBL Nos. 116.00-2-25.11 & 116.00-2-25.122), in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was recommended for approval at their August 4, 2021 meeting, and

**WHEREAS**, the Town Planning Board has completed an environmental review for the project on July 7, 2021, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on July 19, 2021.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan amendment submitted by Nick Kwasniak, of the Niagara Lutheran Health System, prepared by GHD Consulting Services, Inc., containing a cover sheet and drawings C001 through C004 dated March 2021, and received April 26, 2021, for the proposed parking lot improvements at the Greenfield Campus located at 5949 Broadway (SBL Nos. 116.00-2-25.11 & 116.00-2-25.122) Lancaster, New York, with the following conditions:

- 1. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
- 2. Private Improvement Permit will be required to initiate site construction.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021



THE FOLLOWING RESOLUTION WAS OFFERED 20  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS**, LaBella Associates, PC, has prepared a site plan amendment submitted by **AC Power 14, LLC**, consisting of drawings C001, C101, C200, C201, C202, C401, C501, C502 and C503 all dated June 2021, with drawings C001, C200, C201, C202, and C401 having a revision date of June 25, 2021, and all were received June 29, 2021, to address issues raised by the New York State Department of Environment and Conservation on two unaddressed parcels totaling approximately 197 acres on Gunnville Road (SBL No. 83.00-5-6.1), in the Town of Lancaster, and

**WHEREAS**, the site plan for this project was submitted to the Planning Board and was approved at their July 21, 2021 meeting, and

**WHEREAS**, the Town, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has identified the relevant areas of environmental concern and determined the action to be a Type II action under 6NYCRR Part 617.5(c)(9).

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan prepared LaBella Associates, PC, and submitted by **AC Power 14, LLC**, consisting of drawings C001, C101, C200, C201, C202, C401, C501, C502 and C503 all dated June 2021, with drawings C001, C200, C201, C202, and C401 having a revision date of June 25, 2021, and all were received June 29, 2021, to address issues raised by the New York State Department of Environment and Conservation on two unaddressed parcels totaling approximately 197 acres on Gunnville Road (SBL No. 83.00-5-6.1), in the Town of Lancaster with the following conditions:

1. Private Improvement Permit will be required to initiate site construction.
2. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
3. The applicant will provide a Letter of Credit in the form that has been approved by the office of the Town Attorney, or a security bond in a form approved by the Town Attorney prior to the issuance of a building permit.

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

COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
COUNCIL MEMBER WOZNIAK	VOTED
SUPERVISOR RUFFINO	VOTED

September 7, 2021