



# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue  
LANCASTER, NEW YORK 14086

September 21, 2016

**Planning Board Members:**

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

**Town Board Members:**

Johanna Metz-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 September 21, 2016. 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 21<sup>st</sup> day of September 2016 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman  
Rebecca Anderson, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Melvin Szymanski, Member

EXCUSED: Anthony Gorski, Member  
Kristin McCracken, Member

ABSENT: None

ALSO PRESENT:

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 7:03 P.M.

Pledge of Allegiance led by Member Lawrence Korzeniewski.

Minutes - A motion was made by Melvin Szymanski to approve the minutes from the September 7, 2016 Planning Board Meeting with two corrections. 31 Peppermint court order was an Index number and not a Document number. Royal car wash "will" exit to Freeman Road. Motion seconded by Lawrence Korzeniewski and unanimously carried.

TOWN OF LANCASTER PLANNING BOARD  
COMMUNICATIONS LIST-SEPTEMBER 21, 2016

- 9.21.01 SEQR response dated 8/25/16 from EC DPW regarding Apple Rubber addition.
- 9.21.02 SEQR response dated 9/01/16 from EC Dept. of Environment and Planning regarding Apple Rubber addition.
- 9.21.03 SEQR response dated 9/02/16 from NYSDOT regarding Apple Rubber addition.
- 9.21.04 SEQR response dated 9/02/16 from NYSDOT regarding Precision Scale and Balance.
- 9.21.05 SEQR response dated 8/05/16 from EC Division of Sewerage Management regarding Precision Scale and Balance.
- 9.21.06 SEQR response dated 8/31/16 from EC Division of Environment and Planning regarding Precision Scale and Balance.
- 9.21.07 SEQR response dated 9/09/16 from EC Division of Sewerage Management regarding Edgewater Apartments.
- 9.21.08 SEQR response dated 9/13/16 from EC Division of Sewerage Management regarding Basil Resale Center renovations.
- 9.21.09 Memo dated 9/12/16 from Town Attorney noting SEQR review to be held 9/19/16 for Precision Scale and Balance, and Apple Blossom Blvd. subdivision.
- 9.21.10 Minutes of ZBA meeting held 9/08/16
- 9.21.11 Letter dated 9/14/16 from Town Engineer Robert Harris with comments regarding proposed 3 lot subdivision Haskell Dr.
- 9.21.12 Letter dated 9/14/16 from Town Engineer Robert Harris with comments regarding Buffalo Suburban Church parking lot.

- 9.21.13 Letter dated 9/14/16 from Town Engineer Robert Harris with comments regarding BVD Medical Office, 6337 Transit Rd.
- 9.21.14 Memo from Matt Fischione, Code Enforcement Officer, dated 9/19/16, with an enclosed new EAF regarding 5680 Broadway. (Old one should be discarded.)
- 9.21.15 Copy of resolution adopted by Town Board on 9/6/16 approving site plan for Russell's Steak, Chops & More Storage Building, 6675 Transit Rd.
- 9.21.16 Minutes of MRC meeting held 9/19/16.
- 9.21.17 Letter of Public Hearing for a Special Use Permit for C.J. Krantz Topsoil Inc., 4106 Walden Avenue.
- 9.21.18 Copy of resolution adopted by Town Board on 9/19/16 approving site plan for Autowave Inc., 1035 Ransom Road.

#### **ACTION ITEMS**

SITE PLAN REVIEW-Project #1686, BUFFALO VASCULAR CENTER LOCATED AT 6337 TRANSIT ROAD IS PROPOSING AN EXPANSION OF 4,200 SQ FT TO THEIR PARKING LOT AND A DRIVEWAY TO REHM ROAD.

Andrew Marino of Tredo Engineers and Russell Anderson presented a plan to replace the daycare playground area with a paved parking lot. This property does not have an easement agreement with Benderson for use of the access road to the east of the property. The driveway to the access road will be closed off and replaced with grass. Currently the building has been renovated, the existing parking lot spruced up and a tree relocated on the property. Additional site work is being done in a cost effective manner.

Engineering-A letter of response to the comment letter from Robert Harris, Engineer was submitted tonight. A property survey is needed to confirm that this is on parcel. There is an uninhabitable house on this property that is in need of maintenance and at this time there is no plan for it. The catch basin is in need of fine tuning. More information is needed on how the steep grade off the parking lot will be handled. A staircase may need to be built into the slope.

Landscaping-A letter from Mark Lubera stated that 3 pine trees and 1 spruce tree that boarder the Tim Horton property need to be removed.

Driveway-A driveway that is 25' wide will connect the parking lot to Rehm Road. The driveway is very close to the uninhabitable house.

## DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Lawrence Korzeniewski to table the site plan for the following reasons:

1. Engineering issues need to be resolved
2. Future of the dwelling needs to be determined
3. Grading problem from the parking lot needs to be corrected

Motion seconded by Rebecca Anderson and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Excused
Anthony Gorski-Excused	Melvin Szymanski-Yes
Joseph Keefe-Yes	

SITE PLAN REVIEW-Project #1610, SCHUSTER THREE LOT DEVELOPMENT LOCATED ON THE NORTH WEST CORNER OF HARRIS HILL ROAD AND HASKELL DRIVE. THE PROPERTY MEASURES .835 ACRES.

Tom Schuster presented his three lot development for ranch style homes from 1,300-1,600 sq ft. The lot furthest to the west is sold.

Driveway-All three lots will have their driveways exit onto Haskell Drive.

Flood plain-The box for Flood plain is checked on the short form EAF submitted but no information on the flood plain location was submitted. Mr. Schuster stated that the checked box is an error and that none of the property is in the flood plain. Ellicott Creek has been known to flood on the east side of Harris Hill Road.

Engineering-A drainage plan was submitted with the site plan. The dwellings will have catch basins that flow to the northwest corner of the mother parcel. A property survey needs to be submitted to start the SEQR process. A sewer lateral will be relocated for 569 Harris Hill Road.

Road cuts-The Highway Superintendent has approved the road cuts on Haskell Drive.

Sidewalks-There are no sidewalks on Harris Hill Road and Haskell Drive. It will be decided by the Town Board if sidewalks are required as per Town Code or if a waiver will be granted not requiring sidewalks.

A public hearing is required for this development.

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 conditions:

1. Verify nonexistence of flood hazard on FEMA maps and elevation survey
2. All driveways must exit to Haskell Drive

3. Property survey must be submitted

Motion seconded by Lawrence Korzeniewski and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Excused
Anthony Gorski-Excused	Melvin Szymanski-Yes
Joseph Keefe-Abstain	

**REZONE PETITION**-Angry Buffalo at Rose Garden Sports Arena located at 2753 Wehrle Drive. Four parcels are being combined into one parcel. The parcels are S.B.L. 82.03-2-4.1, 82.03-2.5, 82.03-2-6.1 & 82.03-2-3.1. The current zoning is R-1, Residential-Single family and the proposed zoning that will cover the current uses and proposed development is GB-General Business. The combined parcel will be approximately 8.6 acres. Currently there are 6 flag football fields. Two will be eliminated by the proposed building. The neighbor to the west has submitted a letter of support for this project. There are no spectators in the proposed building and it is possible that there would be a camera set up so that games can be viewed on televisions inside of the restaurant.

Mike Metzger of Metzger Civil Engineering Inc. and Joseph David, property owner, presented the rezone proposal. The property currently operates as a nonconforming use. There are two rentals, a restaurant, sports fields and parking areas on the property. During site plan submittal it was found that the rezoning of this property was necessary. The proposed development includes the construction of a 120'x220' sports arena. The building will be mildly heated for flag football and other possible sports.

Landscaping-The rear of the property is heavily treed and may contain some floodplain which would limit development in the future. The landscape plan will be modified to show a buffer area for the residential neighbors to the south. It was suggested that Mr. David speak with the homeowners about the type of buffer area to be installed.

Engineering-A survey showing the four lots combined as one needs to be provided.

Parking-There is ample parking for the existing flag football fields, volleyball courts and the proposed building. Customers have been known to park on Caladium Court and Larkspur out of convenience to access the fields.

Lighting-No lighting to be added for outdoor fields.

## **DETERMINATION**

Based on the information presented to the Planning Board, a motion was made by Rebecca Anderson to recommend approval of the rezone limited to the purpose of Commercial recreational activities to the Town Board. Motion seconded by Melvin Szymanski and unanimously carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Excused
Anthony Gorski-Excused	Melvin Szymanski-Yes
Joseph Keefe-Yes	

SITE PLAN REVIEW-Project #1143 CONVERSION OF TWO-NON CONFORMING MULTIPLE DWELLINGS AT 5680 BROADWAY.

Dan Baccari of Left Coast Design Studio, and Frank Trybuskiewicz, property owner presenting the project in which two multiple family dwellings are being rehabilitated. The Assessment records show three units in each building. This property is currently a non-conforming use. Zoning of RCO does not allow for 4-6 units in a building.

Drainage-The property drains to Plumb Bottom Creek past the rear property line. The open space behind the rear building will not be disturbed.

Zoning-RCO zoning does not allow the number of housing units on this property. The nonconforming use does not allow for expansion in the future. Mr. Trybuskiewicz stated that he has no intentions of adding any more buildings on this parcel. This is a unique case which needs to be made right.

Parking spaces & driveway-The driveway has been moved so that there are ample parking spaces and there is room for a handicap accessible ramp. The handicap spaces need to be enlarged on the site plan submitted.

SEQR-A long form SEQR review is necessary for this project.

Residential addition-The rear building has had a portion of it removed. A foundation is visible but it is not known what type of structure was on the foundation and the property owner wants to rebuild on that foundation.

## **DETERMINATION**

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

1. Handicap spaces to be code compliant

Motion seconded by Lawrence Korzeniewski and carried. Roll call vote as follows:

Chairman Connelly-Yes	Lawrence Korzeniewski-Yes
Rebecca Anderson-Yes	Kristin McCracken-Excused
Anthony Gorski-Excused	Melvin Szymanski-Abstain
Joseph Keefe-Yes	

### **Other items discussed**

Autowave has received Town Board approval.

Apple Rubber SEQR is scheduled for October 3, 2016.

A landscape plan will need to be submitted by Edgewater Apartment Community West and approved by Mark Lubera to replace the 50' natural buffer between Frank's and Edgewater.

At 8:45p.m. a motion was made by Chair Connelly to adjourn the meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.