

**Town Board Minutes**

June 20, 2016

Meeting No. 16

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of June 2016 at 7:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM, COUNCIL MEMBER  
DAWN GACZEWSKI, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
MATTHEW WALTER, COUNCIL MEMBER  
JOHANNA COLEMAN, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
KEVIN LOFTUS, TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
GERALD GILL, CHIEF OF POLICE  
MARK LUBERA, PARK CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

**EXECUTIVE SESSION:**

AT 8:24 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing contractual matters.

At 8:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matter:

- Asked questions regarding the Enterprise Rent-A-Car storage lot.

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- Question on fund balance appropriation for the Natural Disaster Coordinator salary amendment.
- Comments regarding sewer project on William Street.
- Thanked the Town Board on their transparency.

**Mallark, Ken**, spoke to the Town Board on the following matter:

- Questions regarding school zone speed limit on Pleasantview Drive.

**Morton, Ted, Erie County Legislator**, spoke to the Town Board on the following matters:

- Comments regarding sewer project on William Street.
- Promised to research question about school zone speed limit.
- He will look into the speed limit on Borden Road.
- Announced that on July 23, 2016 there will be a free electronics pick up offered by Senator Gallivan from 9 am to 2 pm at Cayuga Heights Elementary School.
- Comments regarding dredging of Como Lake Park.

**Schurkus, Carl, President, Historical Society**, spoke to the Town Board on the following matter:

- Comments regarding Lancaster Historical Society building lease.

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No. 1: V & T Ordinance: Parking, Standing, and Stopping Hidden Pines Subdivision

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was opened.

At 7:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon a V & T ordinance: Parking, Standing & Stopping Hidden Pines Subdivision matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Jeffrey Doetterl	Proponent
Melissa Smith	Proponent
Kenneth Labenski	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the public hearing was closed at 7:23 P.M.

Decision on this matter was reserved.

June 20, 2016

**PUBLIC HEARING SCHEDULED FOR 7:15 P.M.:** No: 2 Rezone 00 Broadway

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was opened.

At 7:23 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone of 00 Broadway matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent/ Comments/Question</b>
Sean Hopkins, Esq., Young Development Inc. Representing Petitioner	Proponent
Chris Wood, Carmina Wood Morris, DPC Representing Petitioner	Proponent
Sonny Travis	Opponent
Jamie Johnson	Comments

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:34 P.M.

Decision on this matter was reserved.

June 20, 2016

**PRESENTATION OF PREFILED RESOLUTIONS:**

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

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held June 6, 2016 and the Regular Meeting of the Town Board held June 6, 2016 be and are hereby approved.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

File: RMIN (P1)

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

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

Claim No. 44512 to Claim No. 44751 Inclusive

Total amount hereby authorized to be paid: \$1,193,362.79

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

File: Rclaims

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

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

**CODES:**

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

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
25372		Richardson Const. Group LLC	24 Sterling Pl	Er. Res. Alt.	
25373		Sahlems Roofing and Siding Inc	32 Deepwood Pl	Re-Roof	
25374		Eric Panzica	1 Beatrix Cir	Er. Fence	
25375		Scott Enterprises Inc.	150 Siebert Rd	Re-Roof	
25376		Stephen & Nicole Perna	18 Regency Ct	Er. Shed	
25377		Ryan Serafin	22 Crabapple Ln	Er. Shed	
25378		Thomas & Donna Scibor, Jr.	32 Michael's Walk	Re-Roof	
25379		Neth & Son, Inc.	22 Fox Trace	Re-Roof	
25380		Neth & Son, Inc.	23 Fox Trace	Re-Roof	
25381		Neth & Son, Inc.	24 Fox Trace	Re-Roof	
25382		Jeffrey & Susan Maue	596 Pavement Rd	Er. Garage	
25383		Daniel & Jennifer Ahearn	36 Avian Way	Er. Deck	
25384		Joshua Puerner	19 Hinchey Ave	Re-Roof	(V/L)
25385		Marc Beebe	14 Old Orchard Comm	Er. Res. Alt.	
25386		Marc Beebe	113 Irwinwood Rd	Re-Roof	(V/L)
25387		Samuel & Marie Sciria	3 Ashwood Ct	Er. Shed	
25388		Thomas Schuster	2040 Como Park Blvd	Er. Fence	(V/L)
25389		David Drozdiel	29 Hinchey Ave	Er. Fence	(V/L)
25390		Jeffrey T. Dojnik	76 Sturm St	Re-Roof	(V/L)
25391		Michael & Sara McMahon	30 Newberry Ln	Er. Shed	
25392		Mark & Michelle Burakowski	4 Jillian Ln	Er. Fence	
25393		Black Rock Roofing	69 Tomahawk Trl	Re-Roof	
25394		Sturdi Built Sheds LLC	43 Creekwood Dr	Er. Shed	
25395		City Fence Inc.	66 Norris Ave	Er. Fence	(V/L)
25396		Richard Schulmerich	56 Village View	Er. Fence	
25397		Brian & Jennifer Smith	5076 William St	Er. Deck	
25398		12 Roses Construction Inc.	54 Lancaster Ave	Er. Fence	(V/L)
25399		Christopher & Molly White	23 Pheasant Run Ln	Er. Shed	
25400		Black Rock Roofing	5 Old Orchard Comm	Re-Roof	
25401		RJF Development JV	17 Middlebury Ln	Er. Dwlg.-Sin.	
25402		Mario & Lena Piccolo	62 Brunck Rd	Er. Pool-Abv Grnd	
25403		Paul Turski	241 Schwartz Rd	Er. Shed	
25404		Fences by Precision LLC	31 Lancaster Ave	Er. Fence	(V/L)
25405		Aerial Roofing & Exterior, Inc	445 Lake Ave	Re-Roof	
25406		Aerial Roofing & Exterior, Inc	81 Michael Anthony Ln	Re-Roof	
25407		Aerial Roofing & Exterior, Inc	11 Queen's Way	Re-Roof	
25408		Michael A. Wawrowski	30 Clark St	Er. Fence	(V/L)
25409		City Fence Inc.	14 Parkedge Dr	Er. Fence	
25410		Donald G.Molino	62 Avian Way	Er. Pool-Abv Grnd	
25411		Ronald Kuropatwinski	44 Parkdale Dr	Er. Fence	
25412		Eric & Heather Thomann	28 Chicory Ln	Inst. Ingrnd. Sprinkler	
25413		Presbyterian Soc of Cayuga Crk	5461 Broadway	Er. Sign – Temp	(V/L)
25414		Anthony Campanella	36 Kennedy Ct	Er. Res. Alt.	
25415		Darryl & Jenny Davis	10 Cemetery Rd	Er. Res. Add.	
25416		Hannah Demolition Inc.	5936 Broadway	Dem. Sin. Dwlg	
25417		David S. Marciniak	235 Pleasant View Dr	Er. Pool-Abv Grnd	
25418		AVA Roofing & Siding Inc.	13 Avian Way	Re-Roof	
25419		Fairway Hills Development	40 Pear Tree Ln	Er. Dwlg.-Sin.	
25420		Marc Lease	44 Worthington Ln	Er. Shed	
25421		Patrick M. Dressel	1 Petersbrook Cir	Er. Shed	
25422		Robert A. Gorenflo	10 Windsor Ridge Dr	Er. Fence	
25423		Shawn T. Conrad	45 Fairfield Ave	Er. Fence	(V/L)
25424		JAX Contracting Inc.	20 Rose St	Er. Fence	

25425	J-Cap Contractors LLC	228 Nathan's Trl	Re-Roof	
25426	Joe Christ	11 Whitestone Ln	Er. Res. Add.	
25427	Atlantic Garages	24 Village View	Er. Garage	
25428	Stockmohr Co. Inc.	7 Cloverfield Ct	Re-Roof	
25429	Richardson Const. Group LLC	118 Fourth Ave	Er. Res. Add.	(V/L)
25430	Colley's Pool Sales Inc.	22 Avian Way	Er. Fence	
25431	Colley's Pool Sales Inc.	22 Avian Way	Er. Pool-In Grnd	
25432	M & H Construction Co.	4444 Walden Ave	Er. Comm. Add./Alt.	
25433	John Jason	305 Central Ave	Re-Roof	(V/L)
25434	RJ Zima Inc.	10 Darien Ct	Inst. Ingrnd. Sprinkler	
25435	Bryan Walters	2 Woodstream Dr	Re-Roof	
25436	Justin & Erica Wallens	49 Southpoint Dr	Er. Fence	
25437	Gerald M. Jaszka	223 Westwood Rd	Er. Res. Alt.	
25438	Derrick & Amy Pizur	25 Pear Tree Ln	Er. Shed	
25439	Michelle L. Murray	147 Iroquois Ave	Er. Porch	
25440	Gregory Golembek	18 Lancaster Pkwy	Er. Comm. Bldg.	
25441	Shawn & Bridget Foster	34 Middlebury Ln	Er. Shed	
25442	Sahlems Roofing & Siding Inc.	4805 Transit Rd	Re-Roof	
25443	12 Roses Construction Inc.	3643 Bowen Rd	Er. Deck	
25444	Superior Decks & Gazebos Inc.	300 Enchanted Forest N	Er. Deck	
25445	Charles C. Strassle	48 Creekwood Dr	Re-Roof	
25446	Majestic Pools Inc.	49 Middlebury Ln	Er. Pool-In Grnd	
25447	Joseph Gallagher	123 Stony Rd	Er. Shed	
25448	Fairway Hills Development	32 Crabapple Ln	Er. Dwlg.-Sin.	
25449	RGGT LLC	21 Windcroft Ln	Re-Roof	
25450	James Stanley & Penner	313 Peppermint Rd	Er. Pool-Abv Grnd	
25451	James Volpe	74 Benson Dr	Re-Roof	(V/L)
25452	CGL Contracting, LLC	160 Nathan's Trl	Re-Roof	
25453	Sun Enterprises Inc.	386 Aurora St	Er. Shed	(V/L)
25454	Zenner & Ritter Co. Inc.	20 Branch Way	Inst. Generator	
25455	William P. Velocci	57 Sawyer Ave	Inst. Generator	(V/L)

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

**BE IT FURTHER**

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

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Town Board is considering the construction of a new 14,562 ± sq. ft. family life center and chapel for the **Hellenic Orthodox Church** to use as a worship center and banquet facility to be located at 0 Genesee Street in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on June 6, 2016 and recommended that a Negative Declaration be issued, and

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

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

**WHEREAS**, the proposed action has been labeled a “Type I” action under SEQRA.

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

1. This project is described as construction of a new worship center for the Hellenic Orthodox Church with parking for 132 vehicles. New drainage, utilities, landscaping, re-grading, and temporary and permanent erosion control devices shall be added on 14.86 acres of vacant property will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: June 20, 2016**

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

The Town of Lancaster Town Board (the "Town Board"), has reviewed the proposed construction of a new 14,562 ± sq. ft. family life center and chapel for the **Hellenic Orthodox Church** to use as a worship center and banquet facility on a 14.86 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Family Life Center (Hellenic Orthodox Church)

**Location of Action:** 0 Genesee Street (SBL No. 83.00-5-17-112) Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted Action.

**Description of Action:** The construction of a new worship center for Hellenic Orthodox Church. Parking for 132 vehicles. New drainage, utilities, landscaping, re-grading, and temporary and permanent erosion control devices shall be added.

**Reasons Supporting this Determination:** Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

- 1. Impact on land – No impact.**
- 2. Impact on Geological Features – No impact.**
- 3. A small impact on Surface Water is noted.**
  - The project includes an on-site waste water treatment system.
- 4. Impact on Groundwater – No impact.**
- 5. Impact on Flooding – No impact.**
- 6. Impact on Air – No impact.**

- 7. A small impact on Plants and Animals is noted.**
  - See document from New York State Department of Environmental Conservation dated December 22, 2015.
  - A small seasonal impact may occur related to the use of herbicides and pesticides.
- 8. Impact on Agricultural Resources – No impact.**
- 9. Impact on Aesthetic Resources – No impact.**
- 10. Impact on Historic and Archeological Resources – No impact.**
  - See documents from New York State Parks, Recreation and Historic Preservation dated December 24, 2015 and February 15, 2016.
- 11. Impact on Open Space and Recreation – No impact.**
- 12. Impact on Critical Environmental Areas – N/A**
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No impact.**
- 16. Impact on Human Health – No impact.**
- 17. Consistency with Community Plans – No impact**
- 18. Consistency with Community Character – No impact.**

**For Further Information:**

Contact Person: Kevin E. Loftus, Town Attorney

Address: Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

Telephone Number: (716) 684-3342

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

**WHEREAS**, the Town Board of the Town of Lancaster (“Town Board”) has considered and evaluated a proposed Local Law which amends the Town of Lancaster Code, Chapter 41. Residency Requirements. Section 2(A). Hiring of employees; and

**WHEREAS**, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under SEQRA, and

**WHEREAS**, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on June 6, 2016, where all interested parties were allowed to address the proposed Local Law;

**NOW, THEREFORE,**

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

1. The attached Local Law No. 3 of 2016 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

**LEGAL NOTICE-  
NOTICE OF ADOPTION  
LOCAL LAW NO. 3 OF THE YEAR 2016  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on June 20, 2016 Local Law No. 3 of the Year 2016, which amends the Town of Lancaster Code, Chapter 41. Residency Requirements. Section 2(A). Hiring of employees, which is on file for review in the Town Hall.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: DIANE M. TERRANOVA  
Town Clerk**

June 23, 2016

**Town of Lancaster  
Local Law No. 3 of 2016**

**A Local Law Amending the Town of Lancaster Code to Amend Chapter 41. Residency Requirements. Section 2(A). Hiring of employees.**

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

**Section 1: Section 1:** Chapter 41. Residency Requirements. Section 41-2(A). Hiring of employees. of the Town of Lancaster Town Code, is hereby amended to read in its entirety as follows:

§41-2. Hiring of employees.

A. Civil Service competitive classifications. The Town shall hire only persons who appear on a resident preference list issued for open competitive positions generated by the County of Erie, Department of Personnel, where such a list exists. In the event that such a resident preference list does not exist and a nonresident list is provided by the County of Erie, Department of Personnel, then the Town shall advise any nonresidents that appear on the list that they will only be considered for employment with the Town if they commit to relocating their residence into the Town of Lancaster within six months of the date of commencing employment. **Upon written application demonstrating a hardship or other good cause, a current employee or qualified lateral transfer may request an extension of six (6) months to become a resident of the Town of Lancaster, to be approved by the Town Board. In support of that extension the employee shall provide evidence of a good faith effort to relocate within the Town or show that his or her failure to do so is as a result of circumstances beyond their control. In the event the employee does not relocate his residence within six (6) months of being hired or apply for the six (6) month extension, he or she shall be terminated for failing to meet this condition of employment.**

**Section 2: Severability.** Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 3: Effective Date.** This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

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

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated June 6, 2016, has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

**ADDITION:**

Chad Lesser  
East Amherst, New York

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS, Andrew Terragnoli,** on behalf of the **Hellenic Orthodox Church,** has submitted a site plan prepared by **Studio T3 Engineering, PLLC,** dated November 4, 2015 with a revision date of April 13, 2016 and received April 21, 2016 for the proposed construction of a 14,562 ± sq. ft. family life center and chapel to be used as a worship center and banquet facility to be located at 0 Genesee Street (SBL No. 83.00-5-17-112), in the Town of Lancaster, and

**WHEREAS,** the site plan for this project was submitted to the Planning Board and was approved at their May 4, 2016 meeting, and

**WHEREAS,** the Town, acting as lead agency has completed an environmental review on June 6, 2016, in conformance with SEQR (State Environmental Quality Review) regulations and on June 20, 2016 a Negative Declaration was issued;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **Andrew Terragnoli,** on behalf of the **Hellenic Orthodox Church** and prepared by **Studio T3 Engineering, PLLC,** dated November 4, 2015 with a revision date of April 13, 2016 and received by the Town April 21, 2016 for the proposed construction of a 14,562 ± sq. ft. family life center and chapel to be used as a worship center and banquet facility to be located at 0 Genesee Street (SBL No. 83.00-5-17-112), in the Town of Lancaster with the following conditions:

1. Proper filing of all required easements with the Erie County Clerk's Office.
2. Provide receipt of approvals from the New York State Department of Transportation, New York State Thruway Authority and the Erie County Water Authority.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 13, 2016, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Alex Heist (new hire) Lancaster, NY	Laborer	\$9.00	June 21, 2016

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, Mark Lubera, Park Crew Chief of the Town of Lancaster's Parks Recreation & Forestry Department, has notified the Board that there is a hazardous dead Ash tree located at 12 Maple Drive, Bowmansville within the Town that needs to be removed, and

**WHEREAS**, by letter dated June 13, 2016 Mark Lubera has recommended that the Town of Lancaster authorize The Davey Tree Expert Company to cut the dead Ash tree to a low stump, chip and haul away the debris for an amount of \$1,920.00 per their quote dated June 9, 2016, and

**WHEREAS**, funding for the tree removal is available, from the Town's 2016 Forestry and Community Beautification Budget Line Item 001.8510.0411.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes The Davey Tree Expert Company, 1200 Commerce Parkway, Lancaster, New York, to cut to a low stump, chip and haul away the debris of a dead Ash tree destroyed by the Emerald Ash Borer Beetle located at 12 Maple Drive, Bowmansville in the Town of Lancaster in accordance with their quote dated June 9, 2016 in the amount not to exceed \$1,920.00 and to be paid for with funds available from the Town's 2016 Forestry and Community Beautification Budget Line Item 001.8510.0411.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Town of Lancaster wishes to engage the services of Lawley Agency, LLC to provide Workers’ Compensation Self Insurance Plan Management for the one year period July 1, 2016 through July 1, 2017, and

**WHEREAS**, the Town of Lancaster also wishes to engage the services of Lawley Agency, LLC to provide Risk Management – Claims/Loss Control for the one year period July 1, 2016 through July 1, 2017, and

**NOW THEREFORE,**

**BE IT RESOLVED**, that the Town Board hereby approves the agreements with Lawley Agency, LLC for Workers’ Compensation Self Insurance Plan Management and Risk Management – Claims/Loss Control for the one year period July 1, 2016 through July 1, 2017, as presented.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, An application has been duly made to the Board of the **Town of Lancaster, County of Erie**, New York, by **Time Warner Cable Northeast LLC** ("**Time Warner Cable**"), d/b/a Time Warner Cable, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission, and

**WHEREAS**, The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings, and

**WHEREAS**, A public hearing was held in the Town of Lancaster, New York on June 6, 2016 at 7:15 P.M. and notice of the hearing was published in the Lancaster Bee on May 19, 2016.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster finds that:

1. Time Warner Cable has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Time Warner Cable has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER**

**RESOLVED**, that the Board of the Town of Lancaster hereby grants the cable television franchise of Time Warner in the Town of Lancaster for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

**BE IT FURTHER**

**RESOLVED**, that the Board of the Town of Lancaster hereby confirms acceptance of this Franchise Renewal Agreement; and hereby authorizes the Town Supervisor to execute same.

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

COUNCIL MEMBER ABRHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 14, 2016, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Kristen Morgus (new hire) Lancaster, NY	Lifeguard	\$10.00	July 1, 2016

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 15, 2016, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Becky Edwards (rehire) Cheektowaga	Recreation Attendant	\$20.00	July 5, 2016
Emily Ast (rehire) Lancaster	Recreation Attendant	\$11.00	July 5, 2016
Kelly Fellner (rehire) Lancaster	Recreation Attendant	\$11.00	July 5, 2016
Victoria Iaratonda (new hire) Lancaster	Recreation Attendant	\$11.00	July 5, 2016
Tyler Witt (rehire) Lancaster	Recreation Attendant	\$20.00	July 5, 2016
Joe Mescall (rehire) Lancaster	Recreation Attendant	\$11.00	July 5, 2016
Andrew Fellner (rehire) Lancaster	Recreation Attendant	\$11.00	July 5, 2016
William Delano (rehire) Lancaster	Recreation Attendant	\$20.00	July 11, 2016
Eric Fetes (rehire) Lancaster	Recreation Attendant	\$11.00	July 11, 2016
Tyler Meegan (rehire) Lancaster	Recreation Attendant	\$11.00	July 11, 2016
Gabby Cumbo (rehire) Lancaster	Recreation Attendant	\$20.00	July 18, 2016
Brittnee Nicoloff (rehire) Orchard Park	Recreation Attendant	\$11.00	July 18, 2016
Taylor Domanowski (new hire) Lancaster	Recreation Attendant	\$11.00	July 18, 2016

Madison Farkas (new hire) Lancaster	Recreation Attendant	\$11.00	July 18, 2016
Ashley Plotnicki (new hire) Lancaster	Recreation Attendant	\$11.00	July 18, 2016
Aaliyah Staufenberger(rehire) Bowmansville	Recreation Attendant	\$11.00	July 18, 2016
Britany Heist (rehire) Lancaster	Recreation Attendant	\$20.00	July 25, 2016
Hannah Nagowski (rehire) Lancaster	Recreation Attendant	\$11.00	July, 25 2016
Erin DiPirro (new hire) Lancaster	Recreation Attendant	\$11.00	July 25, 2016
Bella Klaczyk (new hire) Lancaster	Recreation Attendant	\$11.00	July 25, 2016
Miranda Hardy (rehire) Lancaster	Recreation Attendant	\$11.00	July 25, 2016
Anthony Piccolo (new hire) Lancaster	Recreation Attendant	\$20.00	July 25, 2016
Andrew Helenbrook (rehire) Lancaster	Recreation Attendant	\$11.00	July 25, 2016
Alex Barbaro (new hire) Lancaster	Recreation Attendant	\$11.00	July 25, 2016
David Krull (rehire) Lancaster	Recreation Attendant	\$12.00	June 28, 2016
Stephen George (rehire) Lancaster	Recreation Attendant	\$10.00	June 28, 2016
Steve Neumaier (new hire) Lancaster	Recreation Attendant	\$10.00	June 28, 2016

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 14, 2016, has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Erin Weigand (rehire) Lancaster	Lifeguard	\$12.00	June 8, 2016

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 15, 2016 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Lancaster Senior Center, working not more than nineteen and three-quarter hours per week, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Frances Bologna Depew, NY	Recreation Attendant	\$9.00	June 21, 2016
Jane Iszkiewicz Lancaster, NY	Recreation Attendant	\$9.00	June 21, 2016

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, Column Development, Inc., (the “Applicant”) has applied for site plan review, and has submitted a site plan prepared by Greenman-Pedersen, Inc., dated July 2015, with a revision date of April 26, 2016, and received April 27, 2016 for the proposed construction of an Enterprise Rent-a-Car storage lot to include a 1,600 ± sq. ft. building located at 5550 Genesee Street, in the Town of Lancaster, and

**WHEREAS**, the application followed the approval of a re-zoning request by the Applicant to re-zone the subject property to the CMS zoning district; the re-zoning application was granted based upon a specific development proposal that was presented to the Planning Board and the Town Board; and

**WHEREAS**, following the re-zoning approval, the Applicant submitted a site plan for a significantly larger project, with a greater footprint, with a closer proximity to neighboring residences, and with more significant impacts than were analyzed by the Town Board in its determination to grant the re-zoning application; and

**WHEREAS**, the site plan for this project was submitted to the Planning Board for its review and recommendation pursuant to the Town Code; the Planning Board, based on the increase in size of the proposed development, recommended denial of the site plan at its September 2, 2015 meeting; and

**WHEREAS**, the Applicant and its representatives engaged in efforts to work with the Town to mitigate adverse impacts resulting from the significant increase in the size of the project; and

**WHEREAS**, the Town Board, despite the Planning Board’s recommendation that the project be denied, has determined that the negative impacts from the revised project can be appropriately mitigated and that the site plan may be approved, upon the imposition of appropriate conditions pursuant to its authority in Town Law § 274-a(4) and Town Code § 50-43(C)(6)(a)(3); and

**WHEREAS**, in April 2016, representatives of the Applicant met with Town staff and worked to develop and agreed upon appropriate conditions that would appropriately protect the neighborhood and mitigate potential adverse impacts, which would justify a determination of approval on the site plan application; and

**WHEREAS**, the Town, acting as lead agency has completed a supplemental environmental review to determine whether project changes required an amendment to or rescission of the negative declaration, in conformance with SEQR (State Environmental Quality Review) regulations; the project, as modified by the conditions, will not present any significant adverse impacts, and the conditional approval allows the Town Board to reaffirm the previously issued negative declaration; as conditioned, the project will not result in any significant adverse environmental impacts and an environmental impact statement is not required.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Column Development, Inc., prepared by Greenman-Pedersen, Inc., dated July 2015, with a revision date of April 26, 2016, and received April 27, 2016 for the proposed construction of an Enterprise Rent-a-Car storage lot to include a 1,600 ± sq. ft. building located at 5550 Genesee Street, in the Town of Lancaster subject to the following conditions:

1. No dispensing of gas or petroleum on site.
2. No oil changes on site.
3. No carwashes permitted on site.
4. No car repairs permitted on site.
5. No retail car sales or auctions shall be conducted on site.
6. No more than 500 cars shall be stored on site at one time.
7. Buffer zone to the west side of the property shall be 100 feet, contingent on approval by the Erie County Health Department. Absent such approval, the west side buffer zone will be 150 feet.
8. The proposed sand filter at south side shall be re-located approximately 5 feet north to better accommodate the proposed landscape screening.
9. Hours of operation for deliveries by car carrier will be 7:30 a.m.-5:30 p.m; Monday-Friday.
10. There shall be no delivery of cars/vehicles via car carrier on Saturdays and Sundays.
11. There shall be no off-loading of cars from car carriers on Genesee Street.
12. Documentation is to be provided indicating that the road cuts and storm water discharge to Genesee Street are acceptable to NYSDOT.
13. The Applicant shall record Deed Restrictions against the property, in the form of Exhibit 1, regarding the buffer boundaries as requested at the May 20, 2015 Planning Board Meeting before operations may commence at the property.
14. Developer will mitigate dust from migrating off site during construction as well as during operation.

As set forth in the recitals, which are incorporated herein by reference, the property was rezoned based upon the presentation of a development plan to the Planning Board and the Town Board. As set forth in Town Code § 50-42(B)(1)(f), a rezoning application must contain “[a] statement of planning objectives to be achieved by the rezoning. This statement should include a description of the character of the proposed development, the rationale behind the assumptions and choices made by the applicant, and a statement of how the development meets the objectives of the Comprehensive Plan.” The Code requires a

statement of quantitative data on the proposed use of the property once rezoned, including a designation of open space. Town Code § 50-42(B)(1)(j). Any such rezoning request is based upon a specific development proposal, with specific impacts. The review pursuant to SEQR also evaluated the specific impacts of the proposed project. That is not to say that a project may never change following a rezoning, but such changes must be evaluated by the reviewing boards.

Following approval of the rezoning petition, the Applicant submitted an application for a significantly different project. The size and scale of the proposed use of the property as a car storage lot eliminated buffers to neighboring residential properties, expanded the footprint to cover a substantially greater portion of the lot, and sought to increase the intensity of the proposed use. These additional impacts required review during the site plan application process. Upon review of the revised Project, the Planning Board recommended denial, based upon the significant changes to the Project.

The Town Board hereby determines that the conditions set forth above appropriately mitigate the increased impacts from the revised project, and justifies approval, despite the Planning Board's denial recommendation. The Town Board hereby finds that the conditions are reasonable and are directly related to and incidental to the proposed site plan. The project, as conditioned, meets the requirements of the Town Code.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	NO
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

**Exhibit 1**

**DECLARATION OF RESTRICTIONS.**

**THIS DECLARATION OF RESTRICTIONS** (the “Declaration”) is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by **COLUMN DEVELOPMENT, INC.**, a New York corporation with an address of \_\_\_\_\_ (“Developer”).

**RECITALS**

- A. Developer is the owner pursuant to the deed recorded at Liber \_\_\_ of Deeds at page \_\_\_\_ of the real property commonly referred to as 5550 Genesee Street, Town of Lancaster, New York, as more particularly described on Exhibit A attached hereto and made a part hereof (the “Subject Parcel”);
- B. Developer made an application to Town Board (the “Town Board”) of the Town of Lancaster, New York (the “Town”) for rezoning of the Subject Parcel; and
- C. On or about November 17, 2015 the Town Board approved the rezoning of the Subject Parcel from Residential Commercial Office (RCO) to Commercial Motor Service (CMS), on the condition that the Developer agree to restrict the Subject Parcel as set forth herein.
- D. On June 20, 2016 the Town Board approved a site plan for vehicle storage on the condition that the 100 ft. buffer on the West side of the Subject Parcel be permanently left as open space as depicted on the plan attached as Exhibit B.

**NOW, THEREFORE**, for good and valuable consideration, Developer does hereby declare that the Subject Parcel shall be and is hereby encumbered by and made subject to those covenants and restrictions hereinafter set forth.

**AGREEMENTS**

- 1. Covenants and Use Restrictions.
  - a. Developer is required to maintain a 100 ft. buffer on the West side of the Subject Parcel as set forth in Exhibit B. No structures may be constructed therein, nor may any operations take place therein, with the exception of the bio retention pond and septic system, as shown on the approved site plan.
  - b. Screening must be placed on the West side and South side of the Subject Parcel along Genesee Street pursuant to a landscaping plan approved by the Town. The goal of the screening is to create a decorative landscaped buffer shielding the commercial business at the Subject Parcel along the entire West and South sides of the Subject Parcel. This shall be completed before operations are permitted at the Subject Parcel. Developer and its successors will maintain the screening required by this Declaration, including the replacement of any vegetation, to the satisfaction of the Town.
- 2. Remedies and Enforcement. The Town, as a beneficiary of this declaration, shall have the right to bring an action against the Developer or any future owner or occupant of the Subject Parcel, or any portion thereof, who is in default of the terms and conditions of this Declaration. Developer agrees to use its best efforts to enforce the terms, conditions, covenants, and restrictions contained herein and to utilize all remedies available at law or in equity in order to enforce the terms of this Declaration should any employee, tenant, agent, guest, or invitee of Developer violate the same and refuse to cease its violation after receipt of written notice.

3. Attorneys' Fees. In the event the Town institutes any legal action or proceeding for the enforcement of any right or obligation herein contained, after a final adjudication it shall be entitled to recover its costs and reasonable attorneys' fees incurred in the preparation and prosecution of such action or proceeding, provided the Town is the prevailing party.
4. Amendment. This Declaration may be modified or amended, in whole or in part, or terminated, only by the majority vote of the Town Board.
5. No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.
6. Covenants to Run with Land. It is intended that each of the covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein and shall inure to the benefit of the respective parties and their successors, assigns, heirs, and personal representatives.
7. Severability. Each provision of this Declaration and the application thereof to the Subject Parcel is hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration. In the event the validity or enforceability of any provision of this Declaration is held to be dependent upon the existence of a specific legal description, the parties agree to promptly cause such legal description to be prepared.
9. Time of Essence. Time is of the essence of this Declaration.
10. Entire Agreement. This Declaration contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.
12. Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery.
13. Governing Law. This Declaration shall be construed according to the State of New York without reference to the conflicts of law provisions thereof, and any dispute with respect to it and the rights and duties thereby shall be litigated in Erie County, New York, the sole venue. The Developer shall not raise, and hereby waive, any defenses based on venue, inconvenience of forum, or lack of personal jurisdiction in any action or suit arising from this Declaration.
14. Mortgages Subordination. The lien of any existing or future mortgage encumbering any portion of the Subject Parcel shall be subject and subordinate to this Declaration and any amendments hereto.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Developer has executed this Declaration as of the date first written above.

COLUMN DEVELOPMENT, INC.

By: \_\_\_\_\_

Name: John J. Kanutsu

Its:

\_\_\_\_\_  
State of New York    )  
County of Erie       ) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 2016 before me, the undersigned, personally appeared John J. Kanutsu, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

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

**WHEREAS**, the Town of Lancaster, is interested in increasing the security associated with the Town Hall for the purposes of employee and public safety and building protection, and

**WHEREAS**, the Town has obtained a proposal from Wendel Duchscherer Architects & Engineers PC, 375 Essjay Road, Suite 200, Williamsville, New York 14221 for professional services to develop project design and construction documents for the procurement and installation of various security components for a fee not to exceed \$7,500.00 per their proposal dated January 29, 2016, and

**WHEREAS**, after the proposal was reviewed and considered by the Town Attorney an addendum/amendment to the insurance liability portion of the agreement was created, and

**WHEREAS**, the Town Board deems it in the interest of public and employee safety to move forward with the engagement of Wendel Duchscherer Architects & Engineers PC, for professional services to develop project design and construction documents for the procurement and installation of various security components.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute on behalf of the Town of Lancaster the Proposal and Addendum/Amendment made part thereof, between the Town of Lancaster and Wendel Duchscherer Architects & Engineers PC, 375 Essjay Road, Suite 200, Williamsville, New York 14221 for professional services to develop project design and construction documents for the procurement and installation of various security components within the Town Hall of the Town of Lancaster, located at 21 Central Avenue, in an amount not to exceed \$7,500.00 per their proposal dated January 29, 2016 to be paid for with bond funds available in the Town Hall Reconstruction capital project.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS, Yarussi Construction Inc.,** 5650 Simmons Avenue, Niagara Falls, New York 14304 the contractor for the general construction work for the Town of Lancaster's Lincoln Street Culvert Project has submitted Change Order No. 1 in the amount of \$5,549.73 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 **Yarussi Construction Inc.,** with respect to the outlined descriptions provided to the Town Board:

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

Additional compensation for mill and overlay additional asphalt per the direction of the Town.

**CHANGE ORDER NO. 1:**

The original Contract Sum was .....	\$	365,720.25
The Contract Sum will be increased by this Change Order in the amount of....	\$	5,549.73
The new Contract Sum increased including this Change Order will be	\$	371,269.98

**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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**RESOLVED**, that the Schedule of Salaries adopted by the town board  
on January 4, 2016 be and hereby is amended, effective July 1, 2016

Natural Disaster Services Coordinator P.T.: \$12,000 annually, and

**BE IT FURTHER**

**RESOLVED**, that the 2016 adopted budget for the town of Lancaster  
be and hereby is amended as follows:

**General Fund, Town Outside Villages:**

Increase B599 Appropriated Fund Balance	\$3,400
Increase B960 Budget Appropriations	\$3,400
Increase B3670.0100 Disaster Preparedness, Wages – Salary	\$3,400

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

**SUSPENDED RESOLUTIONS:**

Supervisor Coleman requested a suspension of the necessary rules for immediate consideration of the following resolutions:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, a suspension was granted.

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

**WHEREAS**, New York Real Property Law § 334 requires any person or corporation who subdivides real property into lots, plots, blocks or sites for the purpose of offering those lots, plots or blocks for sale to the public, to file a subdivision map in the form prescribed by subdivision (1) of § 334, in the office of the Erie County Clerk prior to the offering of those lots, plots or blocks for sale; and

**WHEREAS**, the Marrano/Marc Equity Corporation, Central Square Villas Condominium Association, Inc., Pleasant Meadows Associates, LLC and Pleasant Meadows Homeowners Association, LLC (collectively, the “Owners”) have an interest in certain real property in the Town of Lancaster having SBL Number 093.00-2-11.11 (hereafter, the “Property”); and

**WHEREAS**, the Owners subdivided the Property into a 200-unit townhome subdivision known as the Central Square Villas; and

**WHEREAS**, the Owners thereafter offered these townhome lots, blocks, or sites for units for sale without first filing a subdivision map for the same in the office of the Erie County Clerk; and

**WHEREAS**, pursuant to Real Property Law § 334(4), the Owners’ failure to file said subdivision map is subject to a penalty of up to three hundred dollars for each and every lot therein sold and conveyed by the Owners prior to the filing of that map; and

**WHEREAS**, Real Property Law § 334(4) authorizes the Town to commence an action to recover these penalties; and

**WHEREAS**, the Town desires to hire Hodgson Russ, LLP as outside counsel for the purpose of commencing this action on the Town’s behalf and pursuing these penalties from the Owners.

**NOW, THEREFORE,**

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

1. Commencement and prosecution of an action in State Supreme Court is hereby authorized and approved against the Owners (and any other party determined to be liable) for the purpose of recovering penalties related to the Owners’ failure to comply with Real Property Law § 334.

2. This Resolution shall be effective immediately.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

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

**WHEREAS**, Daniel Amatura, Highway Superintendent, has informed the Town Board that the concrete sidewalk at Keysa Park, located at Brady Ave. & Vandenburg Ave. in the Town of Lancaster, is damaged and needs to be replaced, and

**WHEREAS**, the Highway Superintendent, obtained three (3) quotes for the concrete work, and

**WHEREAS**, by letter dated June 20, 2016, Daniel Amatura has recommended that the Town of Lancaster award the contract for concrete replacement at Keysa Park to Master's Edge, Inc., in the amount of \$7,800.00 per their quote dated June 13, 2016, and

**WHEREAS**, funding for the sidewalk replacement at Keysa Town Park is available from the Town's Recreation Filing Fees.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to accept the proposal for the replacement of concrete sidewalks at Keysa Town Park located at Brady Ave. & Vandenburg Ave. to Master's Edge, Inc., 3409 Broadway Street, Cheektowaga, New York 14227, in accordance with their quote dated June 13, 2016 in the amount not to exceed \$7,800.00 and to be paid for with funds from the Town's Recreation Filing Fees.

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

COUNCIL MEMBER ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

June 20, 2016

## COMMUNICATIONS & REPORTS

338. Town Clerk to Mark Maier, Lancaster Country Club –  
Transmittal of Fireworks Permit for July 3, 2016 with a rain date of July 4, 2016.  
Disposition = Received & Filed
339. Town Clerk to Laura Jedlikowski, The Fox Valley Country Club –  
Transmittal of Fireworks Permit for July 3, 2016. Disposition = Received & Filed
340. Town Clerk to Town Board –  
Town Clerk Monthly Report for May 2016. Disposition = Received & Filed
341. Town Clerk to Town Board –  
Copy of fourth settlement payment to Erie County for 2016 Monthly County  
Settlement. Disposition = Received & Filed
342. NYS Dept. of Taxation & Finance to Supervisor –  
Notice of Tentative State Equalization Rate for 2016 Assessment Roll.  
Disposition = Received & Filed
343. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Public Works and NYSDEC for  
O’Connell Electric, Lancaster Parkway (Proj. #6039).  
Disposition = Planning Committee
344. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Public Works for Freeman Road  
Hotel Re-development, 48 Freeman Road (Proj. #8203).  
Disposition = Planning Committee
345. Town Attorney to Town Board and Planning Board –  
SEQR responses from Erie County Dept. of Public Works for PM Peppermint  
Composting, 31 Peppermint Road (Proj. #7491).  
Disposition = Planning Committee
346. Town Engineer to Town Board –  
Recommend to accept proposal from MGR Constructors to address Contract  
Change Order No. 2 for Lancaster Highway Dept., Pre-Engineered Building at  
525 Pavement Road. Disposition = Resolution 6/6/16
347. Justice Colby, Lancaster Town Court to Supervisor and Town Board –  
Update on 2015 Lancaster Town Court finances. Disposition = Received & Filed
348. Town Line Volunteer Fire Dept. to Town Clerk –  
Change in roster. Disposition = Resolution 6/20/16
349. Planning Board Chair to Town Clerk –  
Agenda for June 1, 2016 Planning Board meeting.  
Disposition = Planning Committee
350. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDEC regarding Sealing Device Inc.,  
4400 Walden Ave. (Proj. #2887). Disposition = Planning Committee
351. Town Attorney to Town Board and Planning Board –  
SEQR response from NYSDEC regarding PM Peppermint Composting,  
31 Peppermint Rd. (Proj. #7491). Disposition = Planning Committee
352. PM Peppermint Inc. to Peppermint Road residents –  
Copy of invitation to an informal meeting on June 16, 2016 at 7:00PM at  
31 Peppermint Road to review and discuss concerns regarding activities at  
31 Peppermint Road. Disposition = Planning Committee

353. **Planning Board Chairman to Town Board, Planning Board, Engineering Consultant, Town Attorney, Highway Superintendent, and Building Inspector – Draft copy of minutes from June 1, 2016 Planning Board meeting. Disposition = Planning Committee**
354. **Town Clerk to various news media – Notice of special meeting of the Town Board and Planning Board on June 20, 2016 at 6:00PM for the SEQRA Review: Site Plan: O’Connell Electric, 48 Freeman Road Hotel, and Rezone: 00 Broadway. Disposition = Town Board & Planning Board**
355. **Sean Hopkins, Esq. to Supervisor, Town Board and Planning Board – Information regarding proposed rezoning of two parcels at 0 Broadway from General Business (GB) and Agricultural Residential (AR) to Multi-family Residential District Four (MFR-4) – Project: Edgewater Apartments West. Disposition = Planning Committee**
356. **Lancaster Village Mayor to Supervisor – Request for presence of a Town Dog Control Officer at the Dog Parade on July 2, 2016, in the Village of Lancaster. Disposition = Dog Control Office & Supervisor**
357. **NYS Public Service Commission to Supervisor – Information regarding public statement hearings for proposed increases for National Fuel Gas Distribution Corporation’s delivery rates. Disposition = Received & Filed**
358. **Park Crew Chief to Supervisor and Town Board – Request for resolution to remove a hazardous dead Ash tree on Maple Drive, Bowmansville by Davey Tree Expert Company, 1200 Commerce Pkwy., Lancaster, NY. Disposition = Resolution 6/20/16**
359. **Erie County Department of Environment and Planning to Supervisor – Public Review of Draft 2015 Erie Consolidated Annual Performance Report. Disposition = Received & Filed**
360. **Park Crew Chief to Supervisor and Town Board – Request for appointment of one individual to the position of part-time temporary seasonal employee for the summer of 2016 in the Parks, Recreation & Forestry Department. Disposition = Resolution 6/20/16**
361. **Supervising Code Enforcement Officer to Town Board and Planning Board – Notice of cancellation of June 15, 2016 Planning Board Meeting. Disposition = Planning Committee**
362. **Town Attorney to Town Board and Planning Board – SEQR response from NYSDOT regarding Freeman Road Hotel Re-development, 48 Freeman Road (Proj. #8203). Disposition = Planning Committee**
363. **Highway Superintendent to Town Board – Request for change order in contract price for culvert replacement on Lincoln Street Bridge. Disposition = Resolution 6/20/16**
364. **Park Crew Chief to Supervisor and Town Board – Request for appointment of two individuals to the position of part-time permanent employees at the Town Senior Center. Disposition = Resolution 6/20/16**
365. **Park Crew Chief to Supervisor and Town Board – Request for appointment of one individual to the position of part-time temporary seasonal employee for the summer of 2016 in the Parks, Recreation & Forestry Department. Disposition = Resolution 6/20/16**

- 366. Park Crew Chief to Supervisor and Town Board –  
Request for appointment of one individual to the position of part-time temporary seasonal employee for the summer of 2016 in the Parks, Recreation & Forestry Department. Disposition = Resolution 6/20/16**
- 367. Park Crew Chief to Supervisor and Town Board –  
Request for appointment of individuals to the position of part-time temporary seasonal employees for the summer of 2016 in the Parks, Recreation & Forestry Department. Disposition = Resolution 6/20/16**
- 368. Police Chief to Town Clerk –  
Articles and communications. Disposition = Received & Filed**
- 369. Chair, Lancaster Industrial Development Agency to Town Clerk –  
Legal Notice of Special Public Hearing on July 5, 2016 at 8:45AM for 591 Terrace LLC Project. Disposition = Received & Filed**

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY  
COUNCIL MEMBER GACZEWSKI AND CARRIED,** the meeting was adjourned at  
8:51 P.M.

Signed \_\_\_\_\_

Diane M. Terranova, Town Clerk