

Town Board Minutes

April 3, 2017

Meeting No. 10

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 3rd day of April 2017 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
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
GERALD GILL, CHIEF OF POLICE
MARK LUBERA, PARK CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU
LEZA BRAUN, SECRETARY TO TOWN ATTORNEY

PERSONS ADDRESSING TOWN BOARD:

Buchholz, Bill, Representing Bryce Buchholz Foundation, spoke to the Town Board on the following matter:

- The 5th Annual Ride for Bryce registration forms will be available in the Town Clerk's Office and the Town Supervisor's Office.

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

- Asked about the specifics of the PBA negotiations and contract.
- Comments and questions regarding the Town of Lancaster website and the unfair rating given by an outside organization.

Nosbisch, Paul, Jr., spoke to the Town Board on the following matters:

- Congratulated the Town Board on the PBA contract settlement.
- Would like Erie County to make repairs on Aurora Street.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: Special Use Permit Autowave, Inc. –
1035 Ransom Road

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY
COUNCIL MEMBER GACZEWSKI 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 Special Use Permit Autowave, Inc. 1035 Ransom Road authorizing storage of
4 trucks and 8 trailers during construction of Truck Repair Shop matter.

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

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
NONE	

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL
MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

April 3, 2017

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held March 20, 2017 and the Regular Meeting of the Town Board held March 20, 2017 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	ABSTAINED
SUPERVISOR COLEMAN	VOTED YES

April 3, 2017

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, 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. 47926 to Claim No. 48037 Inclusive

Total amount hereby authorized to be paid: \$3,668,590.47

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

April 3, 2017

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, 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
26334		Sahlems Roofing & Siding Inc.	550 Aurora St	Re-Roof	
26335		Sahlems Roofing & Siding Inc.	4805 Transit Rd	Re-Roof	
26336		Sahlems Roofing & Siding Inc.	18 Brunswick Rd	Re-Roof	(V/L)
26337		Sahlems Roofing & Siding Inc.	493 Lake Ave	Re-Roof	
26338		Sahlems Roofing & Siding Inc.	3 Chicory Ln	Re-Roof	
26339		Suzie Gonzales	760 Schwartz Rd	Re-Roof	
26340		Designer Pools	48 Sterling Pl	Er. Pool-In Grnd	
26341		Designer Pools	48 Sterling Pl	Er. Fence	
26342		A Best Inc.	20 Ashwood Ct	Re-Roof	
26343		James Guenther	25 Glendale Dr	Re-Roof	
26344		Superior Decks & Gazebos Inc.	52 Village View	Er. Deck	
26345		Superior Decks & Gazebos Inc.	58 Williamsburg Ln	Er. Deck	
26346		H Young's Home Improvement	14 Nichter Rd	Re-Roof	
26347		Fairway Hills Development	28 Pear Tree Ln	Er. Dwlg.-Sin.	
26348		Neth & Sons Inc.	224 Enchanted Forest N	Re-Roof	
26349		Brian Firestone	266 Westwood Rd	Re-Roof	
26350		Keith & Mary Reimer	21 Clermont Ct	Er. Fence	
26351		PAPP Construction	46 Worthington Ln	Er. Fence	
26352		Expert Exteriors Inc.	105 Sawyer Ave	Re-Roof	(V/L)
26353		J. Booker, Jr.	20 Sawgrass Ln	Er. Fence	
26354		Iroquois Fence Inc.	2 Worthington Ln	Er. Fence	
26355		Marrano Marc Equity Corp.	53 Apple Blossom Blvd	Er. Dwlg.-Sin.	
26356		Colley's Pool Sales Inc.	23 Petersbrook Cir	Er. Pool-In Grnd	
26357		Breandan Karas	404 Townline Rd	Er. Garage	
26358		Franks Commercial & Home	24 Lombardy St	Er. Res. Alt.	(V/L)
26359		HDJ Builders Inc.	14 Blackstone Ct	Er. Dwlg.-Sin.	
26360		Todd Saint	6 Crabapple Ln	Er. Fence	
26361		LJ Construction	492 Aurora St	Re-Roof	
26362		Stockmohr Co. Inc.	5386 William St	Re-Roof	
26363		Colley's Pool Sales Inc.	2 Jonquille Ct	Er. Pool-In Grnd	
26364		Colley's Pool Sales Inc.	2 Jonquille Ct	Er. Fence	
26365		D Allen & Son Contracting Inc.	17 Carter St	Re-Roof	(V/L)
26366		AVA Roofing & Siding Inc.	24 Avian Way	Re-Roof	
26367		AVA Roofing & Siding Inc.	26 Avian Way	Re-Roof	
26368		Merle L. Whitehead	4909 Transit Rd	Er. Comm. Add./Alt.	
26369		Theresa A. Berlanin	19 Holland Ave	Re-Roof	(V/L)
26370		Domenic Cortese	20 Arrow Trl	Er. Res. Add.	
26371		The Gutter People of WNY Inc.	1150 Penora St	Re-Roof	
26372		Atlantic Garages	32 St Marys St	Er. Garage	(V/L)
26373		JAX Contracting Inc.	45 Fourth Ave	Er. Fence	(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

April 3, 2017

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 March 21, 2017, 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>
Alan Friedrich Lancaster, NY	Laborer	\$12.00	April 3, 2017

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

April 3, 2017

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

WHEREAS, Joshua Strell, the owner of real property situate at **5898 Broadway**, Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (Seasonal Rental Business Office) in accordance with the provisions of Chapter 50-17(F) Zoning, Supplementary regulations for all residential districts, Home Occupations Code of the Town of Lancaster.

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

That pursuant to Chapter 50-Zoning, Section 17(F), entitled Zoning, Supplementary regulations for all residential districts, Home Occupations, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Home Occupation (Seasonal Rental Business Office) on premises locally known as 5898 Broadway, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of April 2017 at 7:15 o'clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

April 3, 2017

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT – STRELL**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 17(F) “Home Occupations” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of April, 2017 the Town Board will hold a Public Hearing on the 17th day of April, 2017 at 7:15 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Joshua Strell**, for a Special Use Permit for a Home Occupation (Seasonal Rental Business Office) on premises locally known as 5898 Broadway, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 6, 2017

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

WHEREAS, Southeast Community Work Center, Inc., ("Southeast Works") offers a program for Developmentally Disabled adults in the communities of Lancaster, Alden, Marilla, Aurora, East Aurora and Wales, and

WHEREAS, this program consists of development, pre-vocational and work activity training programs for those individuals who are clients of Southeast Works, and

WHEREAS, Southeast Works is presently located at 181 Lincoln Street, Depew, New York 14043 and its services in the areas of evaluation, tutoring, development of self-help skills, personal adjustment training, recreation and counseling are of substantial benefit to residents of the Town of Lancaster, and

WHEREAS, Southeast Community Work Center, Inc., has offered to contract with the Town of Lancaster for the aforementioned services during the year 2017 for the total sum of One Thousand Dollars (\$1,000.00);

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute an Agreement with Southeast Community Work Center, Inc., for a program for Developmentally Disabled adults residing in the Town of Lancaster for developmental, pre-vocational and work activity training programs together with evaluation, tutoring and development of self-help skills, personal adjustment training, recreation and counseling; such services to be provided to those individuals who are clients of Southeast Works.
2. That the sum of One Thousand Dollars (\$1,000.00) will be paid by the Town to Southeast Community Work Center, Inc., in four equal quarterly payments: January 1st, April 1st, July 1st, and October 1st, 2017.
3. This Agreement is subject to the approval of the Town Attorney and appropriate State and County agencies or departments, where such approval is mandated by law.

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

April 3, 2017

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

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated March 21, 2017, has requested an effective starting date change for Police Officer Robert Cornell Jr.'s appointment to the position of Detective.

NOW, THEREFORE BE IT

RESOLVED, that this resolution shall hereby amend the resolution adopted March 20, 2017, and

BE IT FURTHER,

RESOLVED, that Police Officer Robert Cornell Jr., of Lancaster New York, be and is hereby appointed to the position of Detective in the Town of Lancaster Police Department, effective April 16, 2017, contingent upon approval by Erie County Department of Personnel; and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 3, 2017

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

WHEREAS, the Town of Lancaster recognizes that our growth and strength, depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry who work year-round to ensure the safe construction of buildings, and

WHEREAS, these individuals are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play, and

WHEREAS, our nation benefits economically and technologically by using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown individuals of public safety, our local code officials, who assure us of safe, efficient and livable buildings that are essential to keep America great, and

WHEREAS, "Code Officials—Partners in Community Safety and Economic Growth" the theme for Building Safety Month 2017, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2017 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE,

BE IT RESOLVED that the Town Board Members of the Town of Lancaster do hereby proclaim the month of May 2017 as Building Safety Month. Accordingly, we encourage our citizens to join with their communities in participation in Building Safety Month activities.

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

April 3, 2017

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

WHEREAS, Daniel Amatura, Highway Superintendent for the Town of Lancaster, by letter dated March 21, 2017, has appointed Liam O'Brien to the position of Laborer - Highways in the Town of Lancaster Highway Department, pursuant to Highway Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby recognizes the appointment of Liam O'Brien of Lancaster, New York to the position of Laborer – Highways in the Town of Lancaster Highway Department, effective April 4, 2017, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the CSEA Blue Collar Union and all applicable provisions of law, 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 3, 2017

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

WHEREAS, Tricorp Amusements, Inc., 5 Veronica Lane, Somerset, New Jersey, has applied for a license to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Chief of Police for review and recommendation, and

WHEREAS, the Building Inspector and Chief of Police have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Tricorp Amusements, Inc., 5 Veronica Avenue, Somerset, New Jersey to operate and maintain a Game Room on premises of the Regal 16 Cinemas at 6707 Transit Road, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that said license shall be issued for the **one (1) year period of April 1, 2017 to March 31, 2018** in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$600 for seven (7) amusement devices.

The question of the adoption of the following 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

April 3, 2017

File: RLICENSE (P3)

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

WHEREAS, MJJ Property Management LLC, 1266 Townline Road, Alden, New York 14004 has applied for a Dumping Permit for property situated on 6140 Genesee Street, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review of this application and by letter February 1, 2017 the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE, BE IT

RESOLVED, that MJJ Property Management LLC, 1266 Townline Road, Alden, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 6140 Genesee Street, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of dirt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
3. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road.
4. Fill area shall be graded and seeded upon completion of filling.
5. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday thru Saturday. No dumping shall be allowed on Sunday.
6. Fill shall only be placed in the areas which are indicated on the plot plan.
7. No signage for dumping allowed.
8. The source of fill is Town of Lancaster leaves and branches.

9. No more than 10,000 cubic yards are to be stored at any one time on the area located on the proposed site plan.
10. Dust and odor remediation practices are in place.
11. Shredding & processing operations to be conducted during normal business hours, Monday – Friday, 7A.M. thru 5 P.M.
12. Vehicles are to remain on a paved surface and at no time is vehicle traffic onto unpaved areas.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the following 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 COLEMAM	VOTED	YES

April 3, 2017

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2017 Chevrolet Equinox AWD LT**, for use by the Building Department, and

WHEREAS, one bid was received, opened and reviewed on March 23, 2017, and

WHEREAS, by letter dated March 27, 2017, Code Enforcement Officer Matt Fischione, has recommended awarding the bid for the **2017 Chevrolet Equinox AWD LT**, to Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York, being the sole responsible bidder in the amount of \$27,876.00, and

WHEREAS, the Building Department will receive a trade-in allowance for their 2004 Chevrolet Blazer (Vin# 1GNDDT13X44K161203 with approximately 96,000 mi) in the amount of \$500.00 which will bring the total expenditure for the new **2017 Chevrolet Equinox AWD LT**, to \$27,376.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Matt Fischione, Code Enforcement Officer, hereby awards the bid for one (1) new and unused **2017 Chevrolet Equinox AWD LT**, which includes a Trade-in Allowance for a 2004 Chevrolet Blazer (Vin# 1GNDDT13X44K161203), to Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York 14043, for use by the Building Department as it conforms to the specifications on file in the office of the Town Clerk for a total amount not to exceed \$27,376.00 which will be paid for with funds available in the 2017 Safety Inspection Budget Line Item 02-3620-220 (Passenger Vehicles).

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

April 3, 2017

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

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Collective Negotiations Settlement Memorandum between the Town of Lancaster and the Cayuga Club Police Benevolent Association, as presented, for a successor collective negotiations agreement with a stated term of January 1, 2014 through and including December 31, 2018.

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

April 3, 2017

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Tonya M. Bradford**, for a Special Use Permit for a Home Occupation (Hair Salon) on premises located at 30 Woodgate Drive, Lancaster, New York, and the Board issued such Special Use Permit on May 4, 2015, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, **Tonya M. Bradford** has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal in his letter dated March 28, 2017;

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

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the renewal of a Special Use Permit to **Tonya M. Bradford** for a Home Occupation (Hair Salon) on premises located at 30 Woodgate Drive, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning May 4, 2017 and ending May 3, 2019, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. There shall be no outdoor sign advertising this business.
- b. This Special Use Permit terminates when the applicant no longer resides on the premises.
- c. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, on or before May 3, 2019.
- d. Obtain and provide proof of a valid New York State Business License from the appropriate regulatory agency for the service being provided.
- e. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this 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 ABRAHAM	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 3, 2017

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

WHEREAS, Michael Salvadore, president of **MJJ Property Management, LLC**, has submitted an application for a Special Use Permit to do Mulch Shredding and Processing on premises locally known as 6140 Genesee Street, Lancaster, New York, currently zoned Sand, Gravel and Aggregates (SGA), in accordance with the provisions of Chapter 50 Section 26(B)(2) of the Code of the Town of Lancaster.

NOW THEREFORE, BE IT

RESOLVED, as follows:

That pursuant to Chapter 50-Zoning, Section 46 entitled Special Use Permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to allow operations not authorized within the current zoning classification, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York , on the 17th day of April, 2017 at 7:15 o'clock P.M. Local Time, and the notice of the time and place of such hearing be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

April 3, 2017

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT– MJJ PROPERTY MANAGEMENT, LLC.**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50 Section 46 entitled Special Use Permits, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 3rd day of April, 2017 the Town Board will hold a Public Hearing on the **17th day of April, 2017** at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Michael Salvadore**, for a Special Use Permit to allow operations (Mulch Shredding and Processing) not authorized in a current zoning classification (Sand, Gravel and Aggregates-SGA) on premises locally known as 6140 Genesee Street, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 6, 2017

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

WHEREAS, on October 3, 2016, Tiffany Walters was appointed to the position of Public Safety Dispatcher in the Town of Lancaster Police Department, effective October 17, 2016 subject to compliance with the Town's Residency Law, and

WHEREAS, by letter dated March 22, 2017, Patrol Captain, Marco Laurienzo, has requested that the Town Board grant Tiffany Walters a six (6) month extension to become a Town resident in order to maintain her appointment as a Public Safety Dispatcher, and

WHEREAS, the Town Code of the Town of Lancaster Section 41-2(A) provides that the Town Board may grant a six (6)-month extension beyond the original six-month allotment if the appointee provides a written request demonstrating a hardship or other good cause, and

WHEREAS, the Town Board has given due review and consideration to the request for the extension which is made due to pending finalization of real property transactions;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, using the authority granted to it under Section 41-2(A), hereby approves the request by Public Safety Dispatcher Tiffany Walters for a six (6)-month residency requirement extension, which shall run from April 17, 2017 to October 17, 2017.

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

April 3, 2017

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 a proposed 2017 Local Law regulating Flag Lots which would amend Chapter 50, Zoning, Article VII, Regulations Applying to All Districts, Section 50-39, Lot division, by creating §50-39(A) “Flag Lots” to the Town Code of the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the environmental impact of this Town-wide Local Law project pursuant to SEQR regulations at their meeting on March 20, 2017 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the proposed Local Law, 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 described as a Local Law amending the Town of Lancaster Zoning Code to add a section regulating flag lots 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

April 3, 2017

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 3, 2017

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 2017 Local Law regulating Flag Lots which would amend Chapter 50, Zoning, Article VII, Regulations Applying to All Districts, Section 50-39, Lot division, by creating §50-39(A) “Flag Lots” to the Town Code. 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: Local Law Regulating Flag Lots

Location of Action: Town-wide applicability, Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: A Local Law amending the Town of Lancaster Zoning Code to add a section regulating flag lots.

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** - The proposed local law does not permit new construction, but prohibits flag lots which have created significant community problems. For example, flag lots create impacts to adjacent property owners, create problems for emergency vehicles seeking to locate buildings located on the “flag” portion of the lot, and are not consistent with the comprehensive plan. The proposed local law will have a positive impact by addressing these issues. For flag lots currently in existence, their further development is regulated and standards have been developed to mitigate impacts.
2. **Impact on Geological Features – No impact**
3. **Impacts on Surface Water – No impact**
4. **Impact on Groundwater – No impact**

5. **Impact on Flooding – No impact**
6. **Impact on Air – No impact**
7. **Impact on Plants and Animals – No impact**
8. **Impact on Agricultural Resources – No impact**
9. **Impact on Aesthetic Resources – No impact**
10. **Impact on Historic and Archeological Resources – No impact**
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**
 - It is noted that this Local Law better defines how existing flag lots are developed.
 - As set forth above, the prohibition on the creation of “flag lots” and the regulation of exiting flag lots addresses current problems. The local law is consistent with the community character.

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 COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, TO WIT:

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

WHEREAS, a proposed Local Law of the Year 2017 entitled “**Flag Lots**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Abraham on the 21st day of February, 2017, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) previously completed an environmental review for the project on March 20, 2017 and on April 3, 2017 a Negative Declaration was issued, and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on March 6, 2017, where all interested parties were allowed to address the proposed Local Law, and

WHEREAS, the Town Board of the Town of Lancaster after due review and deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE,

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

1. The attached Local Law No. 2 of 2017 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

April 3, 2017

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 2 OF THE YEAR 2017
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 April 3, 2017 Local Law No. 2 of the Year 2017, which amends the Town of Lancaster Code, by enacting Chapter 50, Zoning, Article VII, Regulations Applying to All Districts, Section 50-39, Lot division, by adding §50-39(A) “FLAG LOTS, which is on file for review in the Town Hall.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 6, 2017

**Town of Lancaster
Local Law No. 2 of 2017**

A Local Law Regulating Flag Lots

Pursuant to Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lancaster, County of Erie, New York does enact the following Local Law:

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

Section 1: Purpose and Intent

- A. To prevent the continuous subdivision of an original parcel of land into flag lots, thereby avoiding sound planning principles and the development of properly engineered transportation routes for access and emergency response.
- B. To prevent the creation of long narrow lots with the intent of further subdivision into flag lots.

Section 2.

- A. The Town of Lancaster Code is hereby amended to add Section 50-39A, Flag lots, which shall read in its entirety as follows:

§ 50-39. Lot division

A. Flag lots.

- 1. Definition: A lot shaped like a flag on a pole. The “flag” shaped area is the portion of a lot where all structures may be located. The “pole” shaped area is the portion of the lot by which vehicular access to the flag area from its adjoining road is located.
- 2. Prohibition on creation. No boundary line adjustment, lot line adjustment, subdivision approval, or any other approval shall be granted which has the effect of creating one or more flag lots.
- 3. Nonconforming flag lots. Flag lots in existence as of the effective date of this Local Law shall constitute nonconforming lots, provided the “pole” portion of the flag does not meet minimum frontage requirements for the district in which the lot is located.
- 4. Site plan review, pursuant to Section 50-43, is required prior to the issuance of any building permit on a flag lot. In addition to the standards set forth in Section 50-43, the Planning Board and the Town Board shall apply the following standards:

a) Buildable Area

- (1) The minimum area of the “flag” portion of the Flag Lot shall be 1.5 times greater than that required in the zone and shall constitute the buildable area. The area of the “pole” shall not be included in calculating the buildable area.
- (2) The minimum building setbacks shall be equal to the minimum setbacks of the zone measured within the buildable area.

b) Flagpole

- (1) The minimum width shall be 30 feet.
- (2) The flagpole shall not cross, or encroach into, a stream, stream bed, ravine, wetlands or similar topographic features without provision of an adequate structure approved by the Town Engineer or appropriate outside agencies.
- (3) The flagpole shall lie along a property line which is significantly perpendicular to the public street. In no instance will one flagpole be adjacent to another flagpole.
- (4) Parking of vehicles shall be prohibited in any portion of the flagpole.

c) Access driveway.

- (1) The access drive shall be contained within the flagpole.
- (2) The access drive shall have a minimum width of 12 feet. Driveways shall be set back at least five (5) feet from the adjacent property line(s).
- (3) The access drive shall be paved from the front yard setback of the zone to the edge of the pavement in the public right-of-way.
- (4) As a minimum, the remainder of the access drive shall be surfaced with stone to a minimum depth of six inches compacted over a firm subbase.
- (5) Prior to the issuance of a building permit, stone shall be placed from the public street for a distance of 50 feet for the purpose of preventing dirt tracking onto the public street.
- (6) Prior to the issuance of a certificate of occupancy, the access drive shall be constructed to the point necessary to provide access to the affected lot.
- (7) A visual buffer beginning at the front yard setback line from the public right of- way extending to the buildable portion of the flag lot shall be planted on the side of the access drive nearest the property line of the adjacent lot which was not the subject of the flag lot development. The planting shall consist of vegetative material capable of sustaining a visual barrier approved by the Town Forester.

d) Premises Identification

The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

e) Location of utilities.

Utilities must be located and approved on the Site Plan.

f) Drainage plan.

Grading and drainage systems are to discharge to a public storm system or appropriate storm water system approved by the Town Engineer.

Section 3: 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 4: 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 COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, on March 20, 2017, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Article VII (A), §41.8, entitled "Communication Towers, Procedure" of Town Code of the Town of Lancaster, upon the application of Upstate Cellular Network d/b/a Verizon (Project # 20130986129 & Location Code 280508) for a Special Use Permit for the construction of a micro telecommunications tower, Transit Road VZW Store, (the "Tower") to be located on premises at 6733 Transit Road (SBL No. 82.03-1-64) in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS, the Town, acting as lead agency had previously completed an environmental review for the project on February 6, 2017, in conformance with SEQR (State Environmental Quality Review) regulations and on February 21, 2017 a Negative Declaration was issued, which is hereby confirmed.

**NOW, THEREFORE, BE IT
RESOLVED,**

That pursuant to Chapter 50-Zoning, Article VII (A), of the Town Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Upstate Cellular Network d/b/a Verizon (Project # 20130986129 & Location Code 280508)** for a Special Use Permit for the construction of a micro telecommunications tower, Transit Road VZW Store, located on premises at 6733 Transit Road (SBL No. 82.03-1-64), Lancaster, New York, upon the terms and conditions as set forth in the Special Use Permits Zoning Ordinance with the following condition:

- A copy of the FCC License.

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

April 3, 2017

COMMUNICATIONS & REPORTS

192. Town of Cheektowaga to Town of Lancaster –
Solicitation for Lead Agency Status regarding Cheektowaga Town Code Amendments. Disposition = Received & Filed
193. Town of Cheektowaga to Town of Lancaster –
Town of Cheektowaga Town Board considered resolutions calling for Public Hearings concerning amending Town Code and amending Zoning Law.
Disposition = Received & Filed
194. Jeanette Dickinson to Supervisor –
Invitation to special educational event sponsored by NYS Citizens Against Puppy Mills on April 22, 2017. Disposition = Dog Control Officer
195. NYS Parks, Recreation and Historic Preservation to Town Clerk –
Information regarding Eco-Ride and Drive on April 20, 2017.
Disposition = Received & Filed
196. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment & Planning regarding Schuster 3-Lot Subdivision, Haskell Drive at Harris Hill, Proj. #1610. Disposition = Planning Committee
197. Town Attorney to NYSDEC, Erie County DPW, Erie County Health Dept., Erie County Div. of Sewerage Management, NYSDOT and Erie County DEP –
Request for lead designation regarding site plan design for rezone application Wehrle Drive-Angry Buffalo, Proj. #1519. Disposition = Planning Committee
198. Town Attorney to Town Board and Planning Board –
SEQR response from NYSDOT regarding Schuster 3-Lot Subdivision, Haskell Drive at Harris Hill, Proj. #1610. Disposition = Planning Committee
199. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment and Planning regarding Basil Resale Center Addition, 5111 Transit Road, Proj. #1700.
Disposition = Planning Committee
200. Keith Kerl to Supervisor –
Notice of retirement from position of Detective effective March 31, 2017.
Disposition = Received & Filed
201. Town Clerk to Code Enforcement Officer –
Copy of Application for a Game Room License for Regal Cinemas, 6707 Transit Road for review. Disposition = Resolution 4/3/17
202. Paul Wolf, Buffalo Niagara Coalition for Open Government to Town Clerk –
Report regarding Local Government Website Report Card.
Disposition = Received & Filed
203. Town Clerk to Paul Wolf –
Response to Local Government Website Report Card.
Disposition = Received & Filed
204. Park Crew Chief to Supervisor and Town Board –
Request for appointment of one individual to the position of part-time temporary seasonal for the spring/summer season 2017 in the Parks, Recreation & Forestry Dept. effective April 3, 2017.
Disposition = Resolution 4/3/17

205. **Police Chief to Town Board –**
Request for change in the effective date of Officer Robert Cornell’s appointment to the non-competitive job classification of Detective to April 16, 2017. Disposition = Resolution 4/3/17
206. **Daniel Brennan, Nixon Peabody to Town Board –**
Request for approval of special use permit at the next Town Board meeting regarding Verizon Wireless to construct and operate a micro cell wireless telecommunications facility at 6733 Transit Road.
Disposition = Resolution 4/3/17
207. **Town Justices to Supervisor and Town Board –**
Request for hourly rates of pay to be increased for two court officers.
Disposition = Town Board For Consideration
208. **Town Attorney to NYSDEC, EC Div. of Highway, EC Health Dept., Div. of Sewerage Management, NYSDOT and ECDEP –**
Request for lead agency designation regarding 5680 Broadway rezone from Residential Commercial Office (RCO) to Multi-family Residential District Three (MFR-3). Disposition = Planning Committee
209. **Highway Superintendent to Town Board –**
Request for resolution appointing Liam O’Brien to the position of Laborer Grade #1 in the Highway Department effective April 3, 2017.
Disposition = Resolution 4/3/17
210. **Park Crew Chief to Supervisor and Town Board –**
Request for resolution to allow Town employees to enter onto the grounds of Lancaster Rural Cemetery to chip a brush pile left over from a recent pruning project at the cemetery. Disposition = Received & Filed
211. **Charter Communications to Supervisor –**
Developments affecting Charter Communications. Disposition = Received & Filed
212. **NYS Dept. of Public Service to Supervisor –**
Information concerning public statement hearings regarding the March 2017 windstorm event and resulting power outages. Disposition = Received & Filed
213. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Environment & Planning regarding site plan rezone application-Angry Buffalo, Wehrle Dr., Proj. #1519.
Disposition = Planning Committee
214. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Dept. of Public Works regarding rezone from R-1 to GB, Wehrle Dr. Angry Buffalo, Proj. #1519.
Disposition = Planning Committee
215. **Code Enforcement Officer to Supervisor and Town Board –**
Request for resolution authorizing purchase of one new 2017 Chevrolet Equinox AWD LT from Joe Basil Chevrolet, Transit Road. Disposition = Resolution 4/3/17
216. **Kim Suphankomut to Town Clerk –**
30-day Advanced Notice of application for a liquor license for Water Lily Café, 5354 Genesee St., Bowmansville, NY. Disposition = Received & Filed
217. **Supervising Code Enforcement Officer to Town Board –**
Recommend renewal of Special Use Permit for 30 Woodgate Drive, Tonya M. Bradford. Disposition = Resolution 4/3/17
218. **Supervising Code Enforcement Officer to Town Board –**
Approve issuance of Game Room License for Regal 16 Cinemas, 6707 Transit Road. Disposition = Resolution 4/3/17

- 219. Audrey Keysa, Lancaster Rural Cemetery to Supervisor and Town Board – Thank you for financial assistance for continued operation of Lancaster Rural Cemetery. Disposition = Received & Filed**
- 220. Captain Marco Laurienzo to Supervisor – Request for 6-month extension for Public Safety Dispatcher Tiffany Walters to comply with Town Code chapter 41-2A (Residency Requirements). Disposition = Resolution 4/3/17**
- 221. JoAnne Green Schneider to Town Clerk – 30-day Advanced Notice of application for a liquor license for Longnecker’s, Inc., 3587 Walden Avenue, Lancaster, NY. Disposition = Received & Filed**
- 222. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building & Zoning Inspector – Draft copy of minutes from March 15, 2017 Planning Board meeting. Disposition = Planning Committee**
- 223. Planning Board to Town Board – Memo recommending approval of rezone for 00 Como Park Boulevard for six-unit Townhouse Development. Disposition = Planning Committee**
- 224. Planning Board to Town Board – Memo recommending approval of site plan review for Joe Basil Truck Center, 5111 Transit Road. Disposition = Planning Committee**
- 225. Police Chief to Town Clerk – Articles and communications. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER ABRAHAM AND SECONDED BY
COUNCIL MEMBER WALTER AND CARRIED,** the meeting was adjourned in memory
of Anne Burkhardt, Gerald E. Gangloff, Edwin V. Lawniczak and William Rzepka at 8 P.M.

Signed _____

Diane M. Terranova, Town Clerk