



Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

July 21, 2021

Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
Anthony Gorski
Joseph Keefe
Stanley Jay Keysa III
Lawrence Korzeniewski
Kristin McCracken

Town Board Members:

Ronald Ruffino, Sr., Supervisor
Adam Dickman
Robert Leary
David Mazur
Mike Wozniak

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Kevin E. Loftus

Town Highway Superintendent:

Daniel J. Amatura

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held July 21, 2021. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

A handwritten signature in cursive script that reads "Neil R. Connelly".

Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster NY, on the 21st day of July 2021 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
Rebecca Anderson, Member
Anthony Gorski, Member
Joseph Keefe, Member
Stanley Jay Keysa III, Member
Kristin McCracken, Member

EXCUSED: Lawrence Korzeniewski, Member

ALSO PRESENT: None

Town Board Members: David Mazur, Councilmember
Mike Wozniak, Councilmember

Other Elected Officials: None

Town Staff: Ed Schiller, Engineering Consultant
Emily Orlando, Deputy Town Attorney
Matt Fischione, Code Enforcement Officer
Cynthia Maciejewski, Recording Secretary

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

Pledge of Allegiance led by Chair Connelly.

Minutes-A motion was made by Joseph Keefe to approve the minutes from the July 7, 2021 Planning Board meeting. Motion seconded by Anthony Gorski and unanimously carried.

TOWN OF LANCASTER PLANNING BOARD

COMMUNICATIONS FOR JULY 21, 2021

- 7.21.01 ZBA minutes from the 7/08/21 meeting.
- 7.21.02 EAF and concept information regarding Heritage Trail Resurfacing and inclusive playground equipment for Westwood Park Grants.
- 7.21.03 Memo dated 7/07/21 from Michelle Barbaro, Park Crew Chief indicating no issues with the Schwartz Rd. 2 lot split.
- 7.21.04 Letter dated 7/09/21 from Matt Fischione, Code Enforcement Officer, with comments regarding site plan amendment and minor subdivision for AC Power 14, LLC.
- 7.21.05 Letter dated 7/09/21 from Matt Fischione, Code Enforcement Officer, with comments regarding 9 Division St. site plan review.
- 7.21.06 Letter dated 7/12/21 from Matt Fischione, Code Enforcement Officer, with comments regarding the proposed Raw Rutes project at 4266 Walden Ave.
- 7.21.07 Letter dated 7/13/21 from Dan Amatura, Highway Superintendent, indicating no comment regarding the Schwartz Rd. 2 lot split.
- 7.21.08 Memos dated 7/19/21 from Michelle Barbaro, Park Crew Chief, indicating no issues with Projects 2127, 6125, and 2836.
- 7.21.09 Letter dated 7/19/21/ from Ed Schiller, Town Engineer, with comments regarding 9 Division St.
- 7.21.10 Letter dated 7/19/21 from Ed Schiller, Town Engineer, with comments regarding his discussion with the NYS DOT as it pertains to driveways for the proposed Car Wash at Walden and Central. The possibility of developing the paper street to the north is an option.
- 7.21.11 Letter dated 7/19/21 from Ed Schiller, Town Engineer, with comments regarding AC Power Solar.
- 7.21.12 Letter dated 7/19/21 from Matt Fischione, asking for a review of the request to renew a Site Plan recommendation at 9 Lancaster Parkway.
- 7.21.13 Letter dated 7/22/21 from Councilman Robert Leary to Neil Connelly, Planning Board Chair et al. requesting AC Power revised plan be tabled pending more

information to be received particularly in regards to the acquisition of AC Power by Catalyze.

- 7.21.14 Communication from Steven W. Denzler, PE of the ECWA to Lauren Keating regarding waterline for 9 Division Street, Bowmansville.
- 7.21.15 Letter dated 7/19/21 from Ed Schiller, Town Engineer with comments regarding Raw Rutes Project #6125.

SITE PLAN REVIEW- PROJECT #4163, GREENFIELD HEALTH AND REHAB CENTER LOCATED AT 5949 BROADWAY. PARKING LOT IMPROVEMENTS INCLUDING RESURFACE THE FRONT PARKING LOT AND ADD ADDITIONAL PARKING SPACES.

No representative was present July 7, 2021 and July 21, 2021.

This project was tabled at the July 7, 2021 Planning Board meeting due to the engineering information just being submitted and not able to be reviewed prior to the meeting.

DETERMINATION

A motion was made by Kristin McCracken to table the Site Plan and seconded by Rebecca Anderson.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

Motion carried.

SITE PLAN REVIEW-PROJECT #2836, SINGLE FAMILY DWELLING ON VACANT LOT (CZERNIAK), LOCATED AT 9 DIVISION STREET, BOWMANSVILLE, NY 14026. BUILD A SINGLE FAMILY DWELLING ON VACANT LAND.

Jason Czerniak and Lauren Keating, property owners presented the plan to develop a lot for a single family dwelling. The lot is at the dead end of Division Street and the home will be on the same side of the street as the existing homes.

Design - The design of the home will have a garage and storage on the first floor with living space upstairs. No business will be operated on the site. The dead end lot does need site work which is being worked on including a turn-around for Town plows.

Engineering - The property goes back to the creek and the applicant should be aware of possible flooding. This will be an unlisted action for SEQR review.

Responses from the other town departments would be helpful to the applicant for design.

A new deed will need to be filed with Erie County and larger scale copies of the survey need to be submitted.

DETERMINATION

A motion was made by Chair Connelly to table to the September 1, 2021 Planning Board meeting. Seconded by Kristin McCracken.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

Motion carried.

SITE PLAN REVIEW – PROJECT #6125, RAW RUTES, LLC, S.B.L. #94.00-3-23 LOCATED AT 4266 WALDEN AVENUE. A&M INDUSTRIES NY, LLC PURCHASED 1.27 ACRE LOT. PROPERTY WILL BE DEVELOPED IN TWO PHASES. PHASE (1) 50’X100’ POLE BARN BUILT ON EAST SIDE OF PROPERTY FOR RAW RUTES. PHASE (2) 50’X170’ POLE BARN ON WEST SIDE OF PROPERTY. PARKING, LANDSCAPING, STORM WATER CONTROLS FOR BOTH PHASES ARE INCLUDED.

Scott Rybarczyk of Wendel and Alex Cornwell, owner presented the site plan for Raw Rutes. The company is currently located on Commerce Pkwy and the owners have been looking for a location to build their own workshop and offices. The company produces items such as kitchen, bar and garden tools.

Design – The property is being built out as if it is accommodating both buildings but only the 5,000 sq ft building will be built initially.

Landscaping – The landscape plan includes the planting of Colorado Spruce trees. Currently this species is having some problems and the suggestion was made to change out the species to a different native species.

Pre work for obtaining the building permit can occur while waiting for Planning Board recommendation.

DETERMINATION

A motion was made by Rebecca Anderson to table the Site Plan to the September 1, 2021 Planning Board meeting. Seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Excused

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

Motion carried.

REVISED AMENDED SITE PLAN REVIEW AND MINOR SUBDIVISION – PROJECT #2127, S.B.L. #83.00-5-6.1 & S.B.L. #84.00-3-1.1 (197 ACRES) LOCATED ON GUNNVILLE ROAD. TWO CO-LOCATED, BALLASTED COMMUNITY SOLAR FACILITES LOCATED ON CLOSED LANDFILL ADJACENT TO THE NEW YORK STATE THRUWAY. AC POWER 14, LLC WILL INSTALL ONE 5 MW AC SOLAR ARRAY AND ONE 4.47 MW AC SOLAR ARRAY.

Harry Goldberg of Barclay Damon presented with Ben Broder and Andrea DeBernardis of AC Power and Allison Koch of LaBella Assoc.

The approved site plan from December of 2020 has been amended to shift the array 125’ to the south. Doing so will ensure the upland sand piper’s habitat is preserved. Mesh fencing the length of the array will be installed as per DEC recommendation to prevent possible glare from the array.

This submittal also included a minor subdivision which would divide the parcel into a northern parcel and a southern parcel. The roadway will connect the two parcels. These changes provide a benefit to the site and project.

DEC report – A copy of the DEC report will be provided to show the deficiencies on the cap. The full extent of the deficiencies was unknown. The wells are the responsibility of the DEC to monitor and not of AC Power 14, LLC.

Ownership – The parent company of AC Power 14, LLC has changed to Catalyze. The applicant is and

has been AC Power 14, LLC. which means all conditions still apply and there is no impact to incentives.

Minor subdivision – The splitting of the parcel would need a Public Hearing but is satisfied for SEQR by the review conducted by the DEC. The subdivision is only for the convenience of AC Power 14, LLC.

Landfill CAP – The DEC letter spells out the deficiencies of the cap that will be remedied by the applicant. It is expected that the DEC will signoff when compliance is made. The cap will be remedied prior to the start of construction. Peter Grasso of the DEC is working with Lovello and AC Power 14, LLC.

Access – Access to the site, including emergency response, will only be from Gunville Road. The Police and Fire departments have not submitted comment letters regarding this revised site plan.

Fencing – The site is not visible from the thruway but in accordance with state guidelines, a mesh fencing the entire length will be installed as a precaution. The thruway is considerably lower but the array does present a possible sight distraction. The angle of the sun is different than the solar array in Alden which does not have screening.

Town maintenance – The roadway for the project is the sole responsibility of AC Power 14, LLC and not to be plowed or maintained by the Town Highway Department.

DETERMINATION

A motion was made by Kristin McCracken to recommend the approval of the Site Plan to the Town Board. Seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

Motion carried.

A motion was made by Chair Connelly to schedule a Public Hearing for AC Power 14, LLC Minor Subdivision on August 4, 2021 at 7:10 p.m. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes	Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes	Lawrence Korzeniewski-Excused
Anthony Gorski-Yes	Kristin McCracken-Yes
Joseph Keefe-Yes	

Motion carried.

Other items discussed:

Matt Fischione, Code Enforcement Officer discussed his citing of residents and Home Owner Associations for ponds needing maintenance. The process for the filing of the maintenance agreements for ponds are sometimes incomplete. Residents are often unaware of their responsibility to maintain the pond. There are alternatives to retention and detention ponds. Maintenance, inspections and construction of alternatives are expensive. Ponds are part of the DEC guidelines so eliminating them would have to be discussed with the DEC. The Town should not be the owners of ponds due to long term cost and responsibilities. The Town of Amherst requires an HOA be formed or the creation of

individual drainage districts for the maintenance of ponds. Developers do hire independent third party inspectors to monitor ponds. Offering plans of HOAs should be filed with the Town Clerk and updated yearly.

At 8:12 p.m. a motion was made by Chair Connelly and seconded by Stanley Keysa to adjourn the meeting. Motion carried.



Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

MEMO

TO: Honorable Town Board
Town of Lancaster

FROM: The Town of Lancaster Planning Board

DATE: July 21, 2021

RE: AC Power 14, LLC

PROJECT #: 2127

LOCATION: S.B.L. #83.00-5-6.1 & #84.00-3-1.1

TYPE: Revised Amended Site Plan Review

RECOMMENDATION: APPROVE
Roll call vote:
Chair Connelly-Yes Stanley Jay Keysa III-Yes
Rebecca Anderson-Yes Lawrence Korzeniewski-Excused
Anthony Gorski-Yes Kristin McCracken-Yes
Joseph Keefe-Yes

CONDITION: N/A

CONCERNS: N/A