



Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

September 1, 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 September 1, 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,


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 1st day of September 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
Lawrence Korzeniewski, Member
Kristin McCracken, Member

EXCUSED: Councilman Mike Wozniak

ABSENT: None

ALSO PRESENT: None

Town Board Members: Councilman Dave Mazur
Councilman Robert Leary

Other Elected Officials: None

Town Staff: Emily Orlando, Deputy Town Attorney
Ed Schiller of Wm. Schutt & Assoc.
Matt Fischione, Code Enforcement Officer
Cynthia Maciejewski, Recording Secretary

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Minutes-A motion was made by Kristin McCracken to approve the minutes from the August 4, 2021 Planning Board Meeting. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

Anthony Gorski-Yes

Joseph Keefe-Yes

Stanley Jay Keysa III-Yes

Lawrence Korzeniewski-Yes

Kristin McCracken-Yes

Motion carried.

Planning Board Communications

September 1, 2021

- 9.01.01 Notice of Public Hearing for a Special Use Permit to be held 8/23/21 for the NY International Raceway Park.
- 9.01.02 Letter dated 7/30/21 from Attorney Andrew Campanelli to Neil Connelly, PB chair, regarding the possibility of an ordinance review pertaining to the 5G rollout.
- 9.01.03 Letter dated 8/05/21 from Ed Schiller, Town Engineer, with comments regarding the Walden/Central Car Wash.
- 9.01.04 Memo dated 8/19/21 from Matt Fischione, Code Enforcement Officer, regarding the Recommendation Renewal from 2019 for the Lancaster Parkway Commercial Development.
- 9.01.05 Packet from Lucas Tasker, representing Lilly Milliman, with information regarding the application to subdivide property on Schwartz Rd.
- 9.01.06 Copy of letter from Lilly Thiel Milliman, to residents adjacent to the proposed subdivision of property on Schwartz Rd.
- 9.01.07 Letter dated 8/25/21 from Ed Schiller, Town Engineer, with comments regarding the proposed rezone of property at 4781 Transit Rd.
- 9.01.08 Letter dated 8/30/21 from Dan Amatura, Highway Superintendent, indicating no comment regarding the rezone petition for 4781 Transit Rd.
- 9.01.09 Letter dated 8/06/21 from Jacob Metzger, P.E., to Matt Fischione, COE, requesting that the Planning Board reapprove the Lancaster Parkway Commercial Development.
- 9.01.10 Wetland Delineation Report from Earth Dimensions dated 5/06/21 for the Lancaster Parkway Commercial Development. (Bernard Kolber)
- 9.01.11 SEQR response dated 8/16/21 from the NYS DEC regarding the proposed subdivision of property on Schwartz Rd. near Broadway.
- 9.01.12 Copy of the NYS DEC notice of negative declarations upon SEQR as it pertains to the AC Power Solar Project on Gunnville Rd.
- 9.01.13 SEQR response dated 8/10/21 from the Erie County Department of Environment

and Planning regarding the AC Power Solar Project.

- 9.01.14 SEQR response dated 8/18/21 from the Erie County Division of Sewerage Management with comments regarding Raw Rutes.
- 9.01.15 SEQR response dated 8/18/21 from the Erie County Division of Environment and Planning indicating no comment regarding Raw Rutes.
- 9.01.16 SEQR response dated 8/17/21 from the Erie County Division of Sewerage Management with comments regarding Division St.
- 9.01.17 SEQR response dated 8/18/21 from the Erie County Division of Environment and Planning indicating no comment regarding Division St.
- 9.01.18 SEQR response dated 8/23/21 from Erie County DPW indicating no concerns regarding subdivision of property at Schwartz Rd. near Broadway.
- 9.01.19 SEQR response dated 8/23/21 from Erie County DPW regarding Division St.
- 9.01.20 SEQR response dated 8/23/21 from Erie County DPW regarding AC Power Solar project.
- 9.01.21 Letter dated 8/20/21 from Erie County Division of Agriculture regarding Agriculture Protection Planning Applications due by 9/17/21
- 9.01.22 SEQR response dated 8/09/21 from the Erie County Division of Sewerage Management regarding the 2 lot subdivision on Schwartz Rd.
- 9.01.23 SEQR response dated 8/26/21 from the NYS DOT regarding the 2 lot subdivision on Schwartz Rd.
- 9.01.24 Letter dated 8/30/21 from Ed Schiller, Town Engineer, with comments regarding the Apple Rubber Site Amendment.
- 9.01.25 Note dated 8/27/21 from Leza Braun from the Town Attorney's Office indicating that Project 1621 (Lancaster Parkway) still needs to go through the SEQR process and should not be approved at this time.
- 9.01.26 Memos dated 8/30/21 from Michelle Barbaro, Park Crew Chief, indicating no issues with 4781 Transit Rd., Lancaster Parkway, and the Soil Recycling Facility.
- 9.01.27 Letter dated 8/20/21 from Matt Fischione, Code Enforcement Officer, with comments regarding the Rezone Petition at 4781 Transit Rd.

- 9.01.28 Letter with supporting documents dated 8/30/21 from Chris and Wendy Elleman, 475 Schwartz Rd., voicing opposition to the proposed subdivision of property and house to be built on Schwartz Rd.
- 9.01.29 Letter dated 8/31/21 from Ed Schiller, Town Engineer, with comments regarding 9 Division St.
- 9.01.30 Letter dated 8/31/21 from Ed Schiller, Town Engineer, with comments regarding the Soil Recycling Facility on Genesee Street.
- 9.01.31 Letter dated 8/31/21 from Ed Schiller, Town Engineer, with comments regarding 11 Lancaster Parkway re-submittal.
- 9.01.32 Note from Matt Fischione, CEO dated 8/31/21 to Michael Yount regarding a Memorial Bench at Delta Sonic Car Wash.

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.

At 7:05 p.m. the Planning Board held a Public Hearing to hear all interested persons upon an application for a Revised Amended Site Plan for the proposed Minor Subdivision located on Gunnville Road, S.B.L. 83.00-5-6.1, Project #2127.

NAME OF PERSON(S) ADDRESSING THE PLANNING BOARD ON THIS SUBJECT	Proponent/Opponent Comments/Questions
Ari Goldberg, Barclay Damon	Proponent
Reviewed division of parcel, DEC & NYS approval received. Clarified that this public hearing is for the subdivision of the parcel and that AC Power 14, LLC will commit to the same conditions.	
Kevin Lemaster, 720 Schwartz Rd.	Opponent
Comments on AC Power 14, LLC changing ownership, LIDA tax break, woman owned business. Inconsistent size of parcel, clay cap in need of repairs. Test wells negligence. Landfill.	
Councilman Robert Leary, 39 Sawgrass Lane	Opponent
Requested that no decision be made tonight, DEC had not approved, issues found with cap and repairs that need to be made. Would appreciate that projects come to the Town Board without outstanding items. Referenced letter submitted regarding the company name, woman owned business, \$1.3 million in tax breaks from the LIDA to a company owned by a \$37 million company.	

A motion was made by Chair Connelly at 7:15 p.m. to close the public hearing for the Gunnville Rd. minor subdivision. Motion seconded by Joseph Keefe.

Roll call as follows:

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

Motion carried.

PUBLIC HEARING SCHEDULED FOR 7:10 P.M.

At 7:15 p.m. the Planning Board held a Public Hearing to hear all interested persons upon an application for a Lot Split for the Milliman Subdivision located on the east side of Schwartz Road and south side of Broadway, Project #2113.

NAME OF PERSON(S) ADDRESSING THE PLANNING BOARD ON THIS SUBJECT	Proponent/Opponent Comments/Questions
Lilly Theill Milliman, 55 Emerald St., Fillmore, NY	Proponent
Executor of the property, explained the history of the family ownership and need to sell the land to pay for her mothers care. In tough times the one acre lots were split off and sold for single family dwellings.	
Myra Bucklaew, 6275 Broadway	Proponent
Lives adjacent to this parcel on the Broadway side and is in favor of the property being owner occupied, due to hunters and people walking the bank of the creek without permission. Feels this will be a benefit to the neighborhood.	
Wendy Elleman, 475 Schwartz Road	Opponent

Discussed the Master Plan and the need to protect prime soil and agricultural lands. Feels this is a flag lot or K lot and will reduce the attractiveness of the land for existing homeowners. She was told when she bought her lot that nothing could be built behind her. Feels the existing homes will be devalued and is dangerous for emergency services. Read letter from neighbor.

Chris Elleman, 475 Schwartz Road

Opponent

Explained his offer to Ms. Milliman to purchase the property.

Female from 471 Schwartz Road

Opponent

The frontage for this lot is not usable land and there are environmental concerns. The 70' was to be used only by farm equipment and was a right of way for that use. Feels that farmland and flood plain should be protected.

Scott Collins and Carla Henke, 1485 Bowen Road, Elma

Proponent

Future owners of the property and will be building a single family dwelling for themselves. Not looking to disturb any other parts of the parcel. Home will have a 700' long driveway and the home will be a 2,600 sq ft ranch. They do not hunt or ride atv's.

Barbara Hoy, 1765 Como Park Blvd, realtor

Proponent

This parcel has been for sale for 5 years and the neighbors have been detrimental to the sale of the parcel. During that time the neighbors have been using this land for their own private use. Several contracts were blocked by the neighbors. The home is going to add to the value of the area. The Broadway portion of the parcel could be developed as a commercial use.

James Mohn, 471 Schwartz Road

Opponent

The Town Master Plan calls out this area to be kept for agricultural use.

A motion was made by Chair Connelly at 7:43 p.m. to close the public hearing for the Schwartz Road and Broadway lot split. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

Motion carried.

REVIEW OF APPROVED AND EXPIRED SITE PLAN – PROJECT #1621, LANCASTER PARKWAY COMMERCIAL DEVELOPMENT. CONSTRUCTION OF A 12,000 SQ FT STRUCTURE FOR SMALL BUSINESS/LEASE ON A 1.5 ACRES PARCEL OF LAND.

Mike Metzger of Metzger Civil Engineering, Dr. Kolber and Charles Kolber presented the identical plan that was presented two years ago and whose approval has expired. This plan was recommended to the Town Board by the Planning Board but was not adopted by the Town Board. A wetland delineation has been done and no wetlands were found on the site. The only comment to give pause was from the Army Corp of Engineers. A SEQR review is required due to a Negative Declaration not being approved by the Town Board in 2019. SHPO request was made and needs to be submitted due to the letter not being concise on the clearance.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project until the October 6, 2021 Planning Board meeting. Motion seconded by Stanley Keysa.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

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 ST., BOWMANVILLE, NY. BUILD A SINGLE FAMILY DWELLING ON VACANT LAND.

Jason and Lauren Czerniak presented a larger survey of 9 Division Street and explained that the title is in the name of an entity of the owner. This property will be used to construct a single family dwelling and not used to operate a business.

The land has been cleared with millings put down and a fence installed that will be located on the site plan for approval. Mr. Czerniak stated that the new dwelling will be an improvement to the area. Neighbors are currently operating businesses with chickens and a tree service.

Deadend/Snow removal - A discussion with the Highway Department is needed to discuss how to provide for a plow turnaround. The property owners would like to deed over the small portion of the parcel that is not physically connected to the larger piece to the town for snow removal. The turnaround needs to be designed according to town specifications. Daniel Amatura, Highway Superintendent, also had an issue with the grading of the land.

Utilities – There are no utilities on the parcel. Water and sewer need to be brought into the property and approval is needed from ECWA and ECSA.

SHPO – A no effect letter is needed from SHPO.

Matt Fischione, CEO explained that this is an undeveloped lot to be used for a single family dwelling. This needs to be developed as per town requirements and need to meet the minimum requirements. Matt requested a letter be sent to the property owners with requirements by the Planning Board. Comments from Code Enforcement, Highway and Engineering need to be included. Chair Connelly will craft a letter and send out to the applicant.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project until a future Planning Board meeting. Motion seconded by Kristin McCracken.

Roll call as follows:

Chairman Connelly-Yes
Rebecca Anderson-Yes
Anthony Gorski-Yes
Joseph Keefe-Yes

Stanley Jay Keysa III-Yes
Lawrence Korzeniewski-Yes
Kristin McCracken-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 A 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 RUTE. 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 which does still need SEQR review. The Colorado Spruce have been changed to Norway Spruce. This project does not have a SWPPP on site but does need a Storm Water Agreement.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project until the 9/15/21 Planning Board meeting. Motion seconded by Anthony Gorski. Roll call as follows:

Chairman Connelly-Yes
Rebecca Anderson-Yes
Anthony Gorski-Yes
Joseph Keefe-Yes

Stanley Jay Keysa III-Yes
Lawrence Korzeniewski-Yes
Kristin McCracken-Yes

Motion carried.

SITE PLAN REVIEW – PROJECT #3001, SOIL RECYCLING FACILITY LOCATED AT 6125 GENESEE ST. A NYDEC REGISTERED RESTRICTED OR LIMITED USE FILL (AS DEFINED IN NYCRR PART 360.13) SOIL RECYCLING FACILITY, WHICH WILL ACCEPT EXCESS CONSTRUCTION SOILS AND RE-PURPOSE THEM FOR USE AS FILL MATERIALS AT OFF-SITE LOCATIONS.

John Battaglia, of Ensol, Inc. presented the project which will clean soils. This is on a portion of the LaFarge property. Construction soils, which are excess soils are brought in and need to be properly managed and handled. These soils are tested, depending on the source but are not waste soils. The screening removes wood, bricks and other debris. Hard fill is sent out. Operation will be conducted on the mined area so there will be no new disturbance to the land. A SWPPP application was submitted and it is being determined by the attorney’s office if this is a Type 2 action for SEQR which would end the SEQR process or a Type 1- unlisted. A Special Use Permit is needed for this operation. LaFarge currently holds a Special Use Permit. Ownership of the parcel will determine if an additional Special Use Permit is issued or if the LaFarge Special Use Permit will be adjusted to cover all activities on the property and be transferred to the new owner.

The operation is inspected by NYS and a registration is issued to the business. The facility is fully regulated.

Employees – The facility will have two workers on site for an 8 hour day, 5 days a week.

Utilities – The pond on the property will be the water source and a generator or solar will be used to power the scale house. A water truck will be on site to mitigate dust. No utilities are needed. The loader and screener do create noise but not in excess of previous activities.

The operation that is visible from the 90 at Seneca Street is not the same company.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project until a future Planning Board meeting. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

Motion carried.

AMENDED SITE PLAN REVIEW – PROJECT #2142, APPLE RUBBER PRODUCTS, INC. LOCATED AT 204 CEMETERY RD. EXISTING MANUFACTURING FACILITY IS PROPOSING TO BUILD A 5,988 SQ FT. OFFICE ADDITION TO THE NORTH SIDE OF THE FRONT OF THE EISTING BUILDING (PHASE 1) AND A 5,848 SQ FT. OFFICE ADDITION TO THE SOUTH SIDE OF THE FRONT OF THE EXISTING BUILDING (PHASE 2).

Jennifer Conti of Lydon Architecture presented the two phase addition for office space. The rear portion of the building is used for manufacturing. The space is to give adequate room to the existing employees that currently work there. The design of the building will be consistent with the existing building and includes an arch at the south entrance. A total of 7 additional parking spaces will be added and vehicular access will remain the same. Recessed lighting will be added for the office area exterior.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Chair Connelly to table the project until the 10/20/21 Planning Board meeting. Motion seconded by Kristin McCracken.

Roll call as follows:

Chairman Connelly-Yes

Stanley Jay Keysa III-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

Anthony Gorski-Yes

Kristin McCracken-Yes

Joseph Keefe-Yes

Motion carried.

Other items discussed:

Ari Goldberg asked the Planning Board why AC Power was not voted on tonight and quoted subdivision code which states that a decision must be made within 45 days of submittal. The subdivision submittal was on June 29, 2021. Approval of the subdivision was not on the Planning Board agenda and in light of the public hearing comments it will most likely be on the September 15, 2021 Planning Board Agenda.

Matt Fischione, CEO had forwarded a grant application package to the Planning Board members and was looking for the remaining data to be entered so it could be submitted for the grant review. There is a deadline of the 19th so at this point it may be too late to start working on. Councilman Mazur discussed the purchasing of the Balducci property and needs to have further discussion with the Town Board and Town grant writer.

Councilman Leary discussed the Raceway situation with noise and possible vibration caused by the proposed soil recycling facility that could possibly affect the Hull House.

Motion made by Stanley Keysa at 8:50 p.m. and seconded by Lawrence Korzeniewski to adjourn the meeting.

Motion carried.