

# Town of Lancaster

## TOWN PLANNING BOARD

21 Central Avenue

Lancaster, New York 14086

May 17, 2023

**Planning Board Members:**

Carlo DiRienzo, Chair

Rebecca Anderson

John Copas

Anthony Gorski

Joseph Keefe

Lawrence Korzeniewski

Michael Reinhold

**Town Board Members:**

Ronald Ruffino, Sr., Supervisor

Mark Burkard

Adam Dickman

Robert Leary

David Mazur

**Engineering Consultant:**

Ed Schiller, Wm. Schutt & Associates

**Town Attorney:**

Thomas E. Fowler, Jr.

**Town Highway Superintendent:**

John Pilato

**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 May 17, 2023. 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,

Carlo DiRienzo  
Planning Board Chair

CD: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 17<sup>th</sup> day of May 2023 at 7:00 P.M. and there were present:

PRESENT: Carlo DiRienzo, Chair  
Rebecca Anderson, Member  
John Copas, Member (7:04pm)  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Michael Reinhold, Member

EXCUSED: Anthony Gorski, Member

ABSENT: None

ALSO PRESENT: None

Town Board Members: Councilmember Mazur (7:41pm)

Other Elected Officials: None

Town Staff: Thomas E. Fowler, Jr. Town Attorney  
Ed Schiller of Wm. Schutt & Assoc.  
Matt Fischione, Code Enforcement Officer  
Cyndi Maciejewski, Secretary

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

Pledge of Allegiance led by Chair DiRienzo.

Minutes-A motion was made by Chair DiRienzo to approve the minutes from the May 3, 2023 Planning Board Meeting. Motion seconded by Michael Reinhold.

Roll call as follows:

Chairman DiRienzo-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

**Motion carried.**

**TOWN OF LANCASTER PLANNING BOARD  
COMMUNICATIONS LIST  
MAY 17, 2023**

5.17.01 Email from Lancaster Code Enforcement Officer (CEO) Matt Fischione which forwards Buffalo Niagara Waterkeeper tour of town projects from March 17<sup>th</sup> and ways this group can assist the town.

5.17.02 Email from Town Attorney's Office alerting Planning Board of Special Use Permit application for 5827 Broadway (town project #) and notifying Planning Board there may be a material change that affect the previous SEQR determination.

5.17.03 Email from Town Planning Board to Christopher Saeli (attorney for applicant, 6218 Broadway, town project #2121) with attached letter from Town Engineer citing outstanding item needed for application.

5.17.04 Email from Matt Fischione, CEO, recommending applicant appear in front of Planning Board with calculation so it can conclude SEQR and recommend approval or disapproval of site plan for Tool Ranch, 3587 Walden Ave (town project #0269).

5.17.05 Email from Town Engineer to Matt Fischione, CEO, regarding Tool Ranch, 3587 Walden Ave (town project #0269), instructing that applicant is resistant to SWPP for entire site even though he believes we are within our right as supported by another email from NYSDEC relative to the quality and quantity of stormwater.

5.17.06 Email from Town Engineer to Matt Fischione, CEO indicating applicant is working with Erie County Highway on drainage for 6218 Broadway (town project #2121) and that town should be copied on all correspondence and approvals. Town Engineer hasn't seen any yet.

5.17.07 Lucas James submitted a Trip Generation Impact and Distribution Assessment for the Mixed-Use Development, Broadway/Bowen Road, letter dated 5/15/23.

5.17.08 Engineer's Report prepared by Kheops Architecture, Engineering & Survey, DPC for Genesee Park Lane Development dated March 2023.

## **SPECIAL USE PERMIT REVIEW – PROJECT #2210, BROADWAY AND BOWEN DEVELOPMENT.**

Lucas James, developer, has submitted an application for a Special Use Permit to locate Tim Hortons in his plaza as a tenant. Mr. James discussed the journey his project has taken to receive Town approval. Mr James initially purchased the property with the intent to acquire a franchise with Black Rifle Coffee. While planning the properties development, he added a plaza with apartments. Because he was hesitant regarding a rezone, he listed the apartments as a motel and included as an extended stay. The project was met with opposition and the project was denied by the Town Board and the franchise for Black Rifle Coffee was not obtained.

Mr. James applied for a rezone from L1 – MFMU and presented the identical project but relabeled the units as apartments. Buffalo Coffee Company d.b.a. Goodrich Coffee was ready to open but due to approval delays and interest rates increasing, they withdrew.

Tim Horton reached out to Mr James while he was negotiating with the other tenant and when the first and second tenants did not work out he reached out to Tim Horton. It was never Mr James intent for this to be a Tim Horton but because of the process this is who he is left with. The Time Horton franchisee has agreed with the current look of the building and will not look like other Tim Horton's The way you will know that Tim Horton's is on location is by the sign. There are two Tim Horton locations that Mr James feels he will draw traffic from and those are Walden and Central and William and Aurora. This would actually help make safer those locations which Mr James and the Board members expressed their feeling of.

The stacking for cars at Tim Horton's at William and Aurora is only 9 cars. The stacking for cars at Tim Horton's at Walden and Central is only 6 cars. Mr James is proposing a 14 car stacking lane with the ability to provide a second lane for additional cars on the site so that there would be no backup on Broadway or Bowen. Studies show that customers will travel to the Tim Horton with the shortest line. Signage to prevent the back up of vehicles was suggested. The underestimating of the number of stacking spots was discussed. The bias to a Tim Horton in general due to not having enough stacking on site was discussed. Mr James has not had any contact with the neighbors regarding the Tim Horton and felt the sensitive issue with the neighbors had been the drainage issue which is improved due to the retention area. The influx of additional traffic is a question. The improvement to this lot that had been a vacant mess is a long time coming. The traffic study will be referred to County DOT and because they review an EAF differently when the names Tim Horton or Starbuck is on it, the Special Use Permit does need a new EAF short form submitted. SEQR coordination is necessary to refer the Special Use Permit back to the County.

The timeline of the project has been lengthy and the now plan is to set a Public Hearing at the June 5<sup>th</sup> Town Board meeting and to hold the Public Hearing on June 19<sup>th</sup>. The Planning Board would conduct SEQR review and make a recommendation the Town Board on the Special Use Permit at the June 21<sup>st</sup> meeting and final review of the project would be on the first meeting July of the Town Board.

The Planning Board did recognize the lengthy timeline and appreciate efforts to comply with requests.

**No Action Taken**

**SITE PLAN REVIEW – PROJECT #2117, EDGEWATER EAST, S.B.L. #116.00-2-11.1, LOCATED AT 6026 BROADWAY. CONSTRUCTION OF FIVE @ 2 STORY, 10 UNIT APARTMENT BUILDINGS (50 UNIT TOTAL). CONSTRUCTION WILL ALSO INCLUDE A STORMWATER MANAGEMENT SYSTEM, UTILITY IMPROVEMENTS AND A TOTAL OF 111 PARKING SPACES INCLUDING 50 GARAGE SPACES.**

John Barniak and Bryan Young reviewed the project which includes 50 apartment units, allowed by the variance granted on May 11, 2023 by the Zoning Board of Appeals. There were originally three variances needed but through adjusting the design, only one was required. Letters from Erie County Water Authority and the NYS DOT are required before the project will go before the Town Board. All zoning issues have been addressed.

**DETERMINATION**

A motion was made by John Copas to recommend the approval of the Site Plan for Edgewater East to the Town Board with two conditions:

1. Receipt of Erie County Water Authority letter
2. Receipt of NYS DOT letter

Motion seconded by Chair DiRienzo.

Roll call as follows:

Chair DiRienzo-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

**Motion carried.**

**SITE PLAN REVIEW – PROJECT #1863, GENESEE PARK LANE DEVELOPMENT, S.B.L. #82.19-3-1.111, LOCATED AT 5428 GENESEE STREET. REMOVAL OF SOME EXISTING STRUCTURES AND CONSTRUCTION OF NEW BUILDINGS FOR RETAIL AND APARTMENTS PARKING LOTS, ACCESS DRIVE, STORMWATER MANAGEMENT FACILITIES, SIDEWALK AND PUBLIC UTILITIES ARE INCLUDED.**

Michael Yager of Kheops presented the additional information which addressed the 6 comments from the Planning Board. The letter for SHPPO was received and is available for review. There was no archaeological significance to the site. The storm water calculations were addressed and revised for review. There were no hard copies of the information submitted, only emailed. Hard copies will be supplied. Matt Fischione, Code Enforcement Officer stated that the long process makes for a better project. If all items are received, this project will possibly return to the Planning Board June 7, 2023.

**DETERMINATION**

A motion was made by Chair DiRienzo to table the Site Plan for Genesee Park Lane Development.

Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chair DiRienzo-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Excused

**Motion carried.**

**Other Items Discussed:**

Councilmember Mazur discussed the second public hearing of the RV code.

Matt Fischione, CEO, discussed new applications for review.

Discussion on the creation of the agenda, notification of applicants and information on items needed for the project.

Motion made by Chair DiRienzo at 8:08p.m. to adjourn the meeting. Seconded by Lawrence Korzeniewski. 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: May 17, 2023

RE: Edgewater East

PROJECT #: 2117

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LOCATION: 6026 Broadway  
TYPE: Site Plan

RECOMMENDATION: APPROVE  
Roll call vote:  
Chair DiRienzo-Yes  
Rebecca Anderson-Yes  
John Copas-Yes  
Anthony Gorski-Excused  
Joseph Keefe-Yes  
Lawrence Korzeniewski-Yes  
Michael Reinhold-Yes

CONDITION: Receipt of Erie County Water Authority letter  
Receipt of NYS DOT letter

CONCERNS: N/A