

Town Board Minutes

April 1, 2019

Meeting No. 8

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 1st day of April 2019 at 7:00 P.M. and there were

PRESENT: ADAM DICKMAN, COUNCIL MEMBER
DAWN GACZEWSKI, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
MATTHEW WALTER, COUNCIL MEMBER
JOHANNA COLEMAN, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
KEVIN LOFTUS, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, PARK CREW CHIEF
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 7:52 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing collective bargaining negotiations with regard to the Cayuga Club pursuant to Article 14 of Civil Service Law.

At 8:25 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Adamy, Paula, spoke to the Town Board on the following matter:

- Concerns regarding Central Square Villa walking path.

Banks, Jim, spoke to the Town Board on the following matters:

- Thanked the Town Board for their public service.
- Questions concerning the Lancaster Historical Society renovation.

Burkhart, Frank, spoke to the Town Board on the following matter:

- Comments supporting the Robert James Sales Corporate Campus project.

Maziarz, Greg, spoke to the Town Board on the following matter:

- Comments supporting the Robert James Sales Corporate Campus project.

Ryback, Lynn, Representing Legislator John Brusco, spoke to the Town Board on the following matter:

- Presented information regarding the Job Fair on May 4, 2019 at Depew Middle School.

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held March 18, 2019 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 DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 1, 2019

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, 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. 56217 to Claim No. 56337 Inclusive

Total amount hereby authorized to be paid: \$3,728,710.05

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

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

April 1, 2019

File: Rclaims

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

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

CODES:

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

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
29302		Teresa Restey	21 Quail Run Ln	Er. Res. Add.	
29306		Leonard Koczaja	51 Apple Blossom Blvd	Er. Shed	
29307		James Bender	34 Deerpath Dr	Re-Roof	
29308		House Crafters LLC	5156 William St	Re-Roof	
29309		Capital Heat, Inc.	35 Newberry Ln	Inst. Generator	
29310		Anderson Water Systems, Inc.	1164 Penora St	Inst. Generator	
29311		Hannah Demolition Inc.	4546 Walden Ave	Dem. Sin. Dwlg & Garage	
29312		Paul Baglio	7 Windsor Ridge Dr	Inst. Generator	
29313		Manitoba Leasing Corp.	122-130 Central Ave	Re-Roof	(V/L)
29314		Anderson Water Systems, Inc.	156 Stony Rd	Inst. Generator	
29315		Carl Eddy	2219 Como Park Blvd	Re-Roof	(V/L)
29316		Gen-Tech Power Systems LLC	4 Branch Way	Inst. Generator	
29317		Gen-Tech Power Systems LLC	6 Branch Way	Inst. Generator	
29318		Besroi Construction	14 Sugarbush Ln	Re-Roof	
29319		Besroi Construction	5 Cloverfield Ct	Re-Roof	
29320		Robert Potozniak	27 Hidden Trl	Re-Roof	
29321		Matthew Ferree	11 Quail Run Ln	Er. Fence	
29322		Rickard General Construction	63 Quail Run Ln	Re-Roof	
29323		Patricia Bruce	5639 Broadway	Er. Fence	(V/L)
29324		Erie Construction Mid-West Inc	244 Seneca Pl	Re-Roof	
29325		Gen-Tech Power Systems LLC	9 Branch Way	Inst. Generator	
29326		Gen-Tech Power Systems LLC	4885 William St	Inst. Generator	
29327		Eclipse Construction Inc.	444 Pleasant View Dr	Re-Roof	
29329		Jeff Rowe	123 Stutzman Rd	Er. Sign - Wall	
29330		Irwin Roofing	40 Albert Dr	Re-Roof	(V/L)
29331		Sahlems Roofing and Siding Inc	36 Tanglewood Dr	Re-Roof	
29332		Sahlems Roofing and Siding Inc	386 Aurora St	Re-Roof	(V/L)
29333		Billy Yates	82 Brunck Rd	Er. Res. Alt.	
29334		Ken's Candy	6363 Transit Rd	Er. Sign - Temp	
29335		Eileen Davis	15 Waltham Ave	Re-Roof	
29336		Gerald & Rose Zielinski	10 Fieldstone Ln	Inst. Generator	
29337		Zenner & Ritter Co. Inc.	13 Farmview Ct	Inst. Generator	
29338		Kasem Morshed	400 Harris Hill Rd	Er. Pole Barn	
29339		David Reichlin	108 Bowen Ave	Re-Roof	(V/L)
29340		Cynthia A. Mochol	17 Highland Pl	Er. Pool-Abv Grnd	(V/L)
29341		Karen Van De Velde	7 Southpoint Dr	Inst. Generator	
29342		Brier Hill Contracting, Inc.	1351 Ransom Rd	Er. Res. Alt.	
29343		Julie Ann Papero	77 Robert Dr	Er. Res. Alt.	(V/L)
29344		LJ Construction WNY LLC	13 Wendtworth Ct	Er. Res. Alt.	
29345		Charles Hoddick	15 Quail Run Ln	Er. Shed	
29346		Daniel Amatura	5820 Broadway	Er. Comm. Add./Alt.	
29347		Neth & Son Inc.	2 Old Mill Run	Re-Roof	
29348		Donna Brands-Harlock	5 Park Walk	Er. Garage	
29349		Steven Press	192 Pavement Rd	Er. Pool-Abv Grnd	
29350		Lisa Scholl	241 Pleasant View Dr	Er. Shed	
29351		Moonlight Electric - Jamestown	112 Norris Ave	Inst. Generator	(V/L)
29352		Martin Tiedemann	16 Holland Ave	Er. Res. Alt.	(V/L)
29353		Kim Benson	91 Pheasant Run Ln	Er. Fence	
29354		Solcius, LLC	113 Irwinwood Rd	Inst. Solar Panels	(V/L)
29355		Solcius, LLC	244 Seneca Pl	Inst. Solar Panels	
29356		Sitzmans Appliance Center	20 Cherryfield Ln	Inst. Generator	
29357		Thomas Williams	3 Tranquility Trl	Er. Pool-Abv Grnd	
29358		A. Kendziora	357 Stony Rd	Re-Roof	
29359		House Crafters LLC	523 Harris Hill Rd	Er. Res. Alt.	
29360		Colley's Pool Sales Inc.	2 Beatrix Cir	Er. Pool-In Grnd	
29361		Barbara Garasz	288 Lake Ave	Er. Fence	(V/L)

29362	Jeremy Hall	19 Lombardy St	Er. Res. Alt.	(V/L)
29363	Capstone Mechanical LLC	4835 Transit Rd	Er. Comm. Add./Alt.	
29364	B&D Concrete Corp.	7 Lancaster Pkwy	Er. Sign	
29365	Daniel Stachelski	57 Stony Brook Dr	Er. Fence	
29366	Mario's Custom Woodwork	21 Ivy Way	Re-Roof	(V/L)
29367	James Ferrio	500 Townline Rd	Dem. Rear Struc.	

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

April 1, 2019

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

WHEREAS, the Town Engineer, Edward Schiller, P.E. of Wm. Schutt & Associates, P.C., has requested that the Town Board authorize an invitation to bid for the Consolidated Water District Water System Improvements Contract, No. TLN-9A (Pleasant View Drive from Transit Road to Stutzman Road and from Lot #217 to Lot #233 Pleasant View Drive; and

WHEREAS, the project consists of the replacement of approximately 4,800 linear feet of waterline along Pleasant View Drive and Transit Road and the installation of two new hydrant, within the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the request made by Edward Schiller, P.E., and deems it in the public interest to invite public bids in conformance with the General Municipal Law §103 of the State of New York;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bid for the Consolidated Water District Water System Improvements Contract, No. TLN-9A, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on April 24, 2019 and opened thereafter.

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

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

April 1, 2019

TOWN OF LANCASTER
ERIE COUNTY, NEW YORK

CONSOLIDATED WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
CONTRACT NO. TLN-9A
TRANSIT ROAD AND PLEASANT VIEW DRIVE

NOTICE TO BIDDERS

Please take notice that the Lancaster Town will receive sealed bids until 10:00 A.M. on the 24th day of April, 2019, at the office of the Town Clerk in the Town Hall, 21 Central Avenue Lancaster, New York, at which time they will be publicly opened and read aloud for CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-9A – TRANSIT ROAD AND PLEASANT VIEW DRIVE. The Project consists of the replacement of approximately 4,800 linear feet of waterline along Transit Road and Pleasant View Drive.

Contract Documents may be examined at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086 and at the offices of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086, between the hours of 9:00 A.M. and 4:00 P.M. beginning April 11, 2019 except Saturdays, Sundays, and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - "CONSOLIDATED WATER DISTRICT, WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-9A –TRANSIT ROAD AND PLEASANT VIEW DRIVE" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making its selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Diane Terranova
Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

ENGINEER
Wm. Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086
(716) 683-5961

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, NY

Diane Terranova
Town Clerk
April 11, 2019

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

WHEREAS, the Town of Lancaster seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Police Traffic Services (PTS) program to reduce unsafe driving behaviors within the Town, and

WHEREAS, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving;

NOW, THEREFORE,

BE IT RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and

BE IT FURTHER,

RESOLVED, that the Supervisor and Chief of Police be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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

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

April 1, 2019

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

WHEREAS, the Town of Lancaster is in the process of revising and updating its Zoning Code and Zoning Map, for conformance with the Town's adopted Joint Comprehensive Plan, and

WHEREAS, Town Officials and other Professionals are needed by the Town to assist with the development of a revised and updated Town Zoning Code and Zoning Map, and

WHEREAS, Edward Schiller, Town Engineer, solicited two (2) Request for Proposals to provide professional consulting services for assistance in revising and updating the Town of Lancaster's Zoning Map, in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by email dated March 12, 2019, the Town Engineer has recommended that the Town of Lancaster award the proposal to provide professional consulting services for assistance with revising and updating the Town of Lancaster's Zoning Map, to Wendy Weber Salvati, AICP, of WWS Planning, in the amount of \$3,000.00 per the proposal dated March 8, 2019.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of Town of Lancaster hereby authorizes the Supervisor to execute the proposal to provide professional consulting services for assistance with the revisions to the Town of Lancaster's Zoning Map, to Wendy Weber Salvati, AICP, of WWS Planning, 4915 Pineledge Drive North, Clarence, New York 14031, in accordance with the proposal dated March 8, 2019 in the amount of \$3,000.00 which will be paid for with funds from the Town's 2019 Planning Board Budget, Line Item 02-8020-410, pending receipt and approval of the required documents and insurance forms by the Town Attorney, and

BE IT FURTHER RESOLVED, that the 2019 adopted budget for the Town of Lancaster be and hereby is amended to increase appropriations in the Planning Board budget to fund the above services as follows:

GENERAL FUND – TOWN OUTSIDE VILLAGES	Increase
B599 Appropriated Fund Balance	\$3,000
B960 Appropriations	\$3,000
B8020.410 Planning Board, Professional Services	\$3,000

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

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

April 1, 2019

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

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

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled **“Permit and Application Fees revision” which will amend Chapter 30. Permit and Application Fees, Article I. General Fees, §30-20. Public improvement permits; private improvement permits (B)(2),**” by adding private improvement permits, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

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

1. A public hearing for the proposed Local Law is hereby set for the 15th day of April 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

April 1, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 1, 2019 , the said Town Board will hold a Public Hearing on the 15th day of April, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster PERMIT AND APPLICATION FEES Code §30-20(B)(2) to include “private” improvement permits. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 4, 2019

Town of Lancaster
Local Law No. ____ of 2019

A Local Law Amending the Town of Lancaster Permit and Application Fees.

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

Section 1: Chapter 30 §30-20(B)(2) of the Town of Lancaster Town Code is amended to read in its entirety as follows:

- (2) Inspection fees for public and private improvement permits shall be in sum equal to 8% of the estimated cost of construction.

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

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

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

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

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**Improvements, Public and Private**” which will repeal the current “Chapter 11. Construction of Public Improvements” within the Town of Lancaster’s Town Code in its entirety and replace it with the new “**Chapter 11. Improvements, Public and Private**”, and

WHEREAS, the proposed local law of 2019 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

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

1. A public hearing for the proposed Local Law is hereby set for the 15th day of April 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

April 1, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 1, 2019 , the said Town Board will hold a Public Hearing on the 15th day of April, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law repealing the current “Chapter 11. Construction of Public Improvements” within the Town of Lancaster’s Town Code and replacing it with the new “Chapter 11. Improvements, Public and Private”. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

April 4, 2019

Town of Lancaster
Local Law No. ___ of 2019

A Local Law repealing the current Chapter 11. Construction of Public Improvements in its entirety and replacing it with the new Chapter 11. Improvements, Public and Private.

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

Section 1: Chapter 11. Construction of Public Improvements of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town Code of the Town of Lancaster is hereby amended to add **Chapter 11. Improvements, Public and Private**, to read in its entirety as follows:

Chapter 11. Improvements, Public and Private

§11-1. Title.

This chapter shall be known as “Improvements, Public and Private” for the Town of Lancaster.

§11-2. Purpose.

The purpose of this chapter is to regulate the construction of public and private improvements in accordance with Subdivision and Site plans approved by the Town Board in the Town of Lancaster, Erie County, New York, by any person, corporation or partnership and to establish fees for inspection of such improvements.

§11-3. Definitions.

For the purposes of this chapter the terms used herein are defined as follows:

PUBLIC IMPROVEMENTS

The installation or construction of highways, sidewalks, drainage systems, sewer systems, and like systems upon real property in the Town for the use of the general public.

PRIVATE IMPROVEMENT

The installation or construction of parking lots, private roads, drainage systems, fire protection mains and sidewalks for commercial, industrial, business or residential open development use upon real property in the Town.

TOWN SPECIFICATIONS

The written rules, regulations, Town specifications or other specifications and/or agreements of approved development plans established by resolution of the Town Board. The specifications shall include the type of materials to be used, the methods to be used in installing said materials, the safe procedures to follow, the minimum requirements for easements and rights-of-way to be turned over to the Town and any other items of public interest involving compliance with this chapter.

TOWN ENGINEER

That firm, person or persons designated by the Town of Lancaster to perform engineering services.

§11-4. Permit required.

- A. No Public improvement shall be installed or constructed in the Town of Lancaster until a public improvement permit has been obtained. Each type of public improvement must be separately noted in the public improvement permit.
- B. No private improvement shall be installed or constructed in the Town of Lancaster until a private improvement permit has been obtained. Each type of private improvement must be separately noted in the private improvement permit.

§11-5. Specifications and standards.

- A. The Town Engineer shall provide such applicant with a set of standard specifications and requirements of the Town of Lancaster for such work, for which a charge of \$5 per copy shall be made, and no work shall be performed except in accordance there with.
- B. The applicant for private improvement permit shall have specifications and requirements designed and sealed by a New York State licensed engineer and approved by the Town Board and Town Engineer.

§11-6. Permit issuance: application.

- A. The public improvement permit is to be issued by the Town Clerk after certification by the Town Engineer that the plans as submitted by the applicant comply with the specifications and requirements of the Town, that all fees and deposits have been made and that all legal, insurance and bond requirements have been met.
- B. The private improvement permit is to be issued by the Town Clerk after certification by the Town Engineer and that all fees and deposits have been made and approvals obtained.
- C. The application for such permit shall be made on forms furnished by the Town and shall contain such information as shall be required to determine that the proposed improvement will conform to the specifications and requirements of the Town and project for such improvements.
- D. All applications shall be accompanied by complete sets of drawings (prints), details and specifications previously approved, together with specifications of the proposed improvement prepared by a professional engineer duly licensed by the State of New York or a licensed land surveyor under provisions of §7208 of the New York Education Law.

§11-7. Fees: deposits.

- A. The permit fee due upon application shall be as set forth in §30-20 of the Town of Lancaster Code.
- B. Inspection cost.
 - (1) The applicant shall be responsible for the actual cost of full-time inspection.
 - (2) The applicant shall deposit an amount equal to 8% of proposed construction costs for each improvement.

- (3) Upon written request from the applicant, within 120 days of completion, any deposit surplus shall be returned to the applicant; or, if there is a deficit, upon written request from the Town, the applicant shall pay to the Town sufficient additional amounts to pay the actual total cost of inspections.

§11-8. Insurance requirements.

All applications for public and private improvement permits shall be accompanied by insurance documentation which specifically lists the Town of Lancaster and its consultants as an additional insured on policies of general liability, auto liability and excess liability in the face amount no less than the limits set forth in the specific contract and/or agreement for which the permit applies.

§11-9. Supervision of work; inspections.

- A. No work shall be performed except under the supervision and inspection of the Town Engineer or his designee.
- B. The applicant shall provide written notice to the Town Engineer of the intent to proceed on the improvement. The Town Engineer shall authorize the applicant to proceed only upon the Town Engineer's receipt of written verification that all permit requirements remain in effect and after a preconstruction meeting has been held.

§11-10. Conditions of acceptance.

- A. Work under this permit shall be completed within one year from the date of permit issuance.
- B. Upon completion of any public or private improvement, the applicant shall submit a record set of plans to the Town Engineer and a certification signed by the designated inspector setting forth the date(s) of inspections and that the work was done according to project plans and specifications. Upon receipt of such certification, the Town Engineer shall recommend approval or disapproval for acceptance of public improvements for maintenance of the improvements by the Town.
- C. The applicant shall provide any required easements, rights-of-way, and/or deed restrictions to the Town in a form acceptable by the Town Attorney. A Stormwater Control Facility Maintenance Agreement will be required to be executed by both the applicant and the Town of Lancaster. The applicant shall then file with the Erie County Clerk's office any easements, rights-of-way, deed restrictions, and/or Stormwater Control Facility Maintenance Agreement referenced herein and provide proof of said filing to the Town Attorney's Office prior to closing the P.I.P. permit.
- D. The applicant shall furnish a maintenance bond for two years, renewable for an additional two years, beyond acceptance by the Town in an amount equal to 40% of the construction cost for the public improvement(s).
- E. For the public improvements, the applicant shall furnish certification of completion and waiver of all liens, that all construction costs, including inspection fees, have been paid.
- F. Compliance with the provisions of this section shall be a condition precedent to the acceptance of any public improvement by the Town.

§11-11. Penalties for offenses.

- A. A violation of this chapter is hereby declared to be an offense, punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed 15 days, or both.
- B. Upon notice by the Town Engineer, any applicant deemed to be in violation of this chapter shall have 10 days to comply with said notice. Each week's continued violation shall constitute a separate additional violation and shall be punishable as herein provided.
- C. In addition to the foregoing remedies, the Town may institute any appropriate action or proceeding to prevent, correct or restrain any violation of this chapter.

§11-12. Stop-work orders.

- A. The Town Engineer shall issue or cause to be issued a stop-work order for any public or private improvement found ongoing without an improvement permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 11-11 of this chapter.
- B. The Town Engineer shall issue or cause to be issued a stop-work order for any public and private improvement found noncompliant with the provision of this chapter and/or the conditions of the improvement permit. Disregard of a stop-work order shall subject the violator to the penalties described in §11-11 of this chapter.

Section 3: Severability. Whenever any provision of this chapter is at variance or in conflict with any other provision hereof or any other statute, local ordinance or regulation covering any of the same subject matter, the most restrictive provision or the one imposing the higher standard shall govern.

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 SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER GACZEWSKI, TO WIT:

WHEREAS, the Town Board has previously duly advertised for the submission of bids for the rehabilitation of the pitched portions of the roof systems at Keysa Park's Pool House and Meadow Lea Park's Building within the Town of Lancaster, and

WHEREAS, one bid was received, opened and reviewed on March 21, 2019, and

WHEREAS, by letter dated March 22, 2019, Michelle Barbaro, Town of Lancaster's Park Crew Chief, has recommended awarding the roof rehabilitation bid to MGR Constructors, Inc., being the sole responsible bidder in the amount of \$82,000.00, and

WHEREAS, funding for the rehabilitation of the roof systems at Keysa Park's Pool House and Meadow Lea Park's Building will be paid for with funds from the Town's 2019 Buildings Equipment, Other Capital Outlay Budget, Line Item 01-1620-0260.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the rehabilitation of the pitched portions of the roof systems at Keysa Park's Pool House and Meadow Lea Park's Building to MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York, 14026 in the amount of \$82,000.00, being the sole responsible bidder in conformance with the specifications on file in the office of Wm. Schutt Associates, consulting Town Engineer, and to be paid for with funds from the 2019 Buildings Equipment, Other Capital Outlay Budget, Line Item 01-1620-0260, and

BE IT FURTHER RESOLVED, that the 2019 adopted budget for the Town of Lancaster be and hereby is amended to increase appropriations in the Buildings budget to fund the above roofing projects as follows:

GENERAL FUND – TOWNWIDE	Increase
A599 Appropriated Fund Balance	\$82,000
A960 Appropriations	\$82,000
A1620.260 Buildings, Other Capital Outlay	\$82,000, and

BE IT FURTHER RESOLVED, that there shall be no reimbursement for goods or services provided until the required documents and insurance forms are received and approved by the Town Attorney.

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

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

April 1, 2019

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

WHEREAS, the Town Board is considering Niagara Lutheran Health System's proposal to construct a 9,300 s.f. daycare and wellness center addition at their Greenfield Campus located at 5959 Broadway (SBL No. 116.02-2-2.1) on a +/- 3.91 acre parcel in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on March 20, 2019 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the construction project using the short 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 Town of Lancaster Planning Board; 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 an "Unlisted" action under SEQRA.

NOW, THEREFORE,

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

1. This project is described as a daycare and wellness center on a 3.91 acre parcel and will include asphalt parking areas and concrete walks 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, 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 DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 1, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 1, 2019

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 Board of the Town of Lancaster has reviewed the proposed construction of a 9,300 s.f. child care and wellness center addition at the Greenfield Campus on a +/- 3.91 acre parcel located at 5959 Broadway (116.02-2-2.1) submitted by Chris Woods. 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: Niagara Lutheran Health System Daycare & Wellness Center – New 1-story Building Project

Location of Action: 5959 Broadway (SBL No. 116.02-2-2.1), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: A new one-story 9,300 S.F. building project and site work including asphalt parking areas and concrete walks. The site and building work areas is limited to 0.6 acres. The new building south of the existing will be located on the Greenfield Campus which is located on the south side of Broadway.

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

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **No impact.**
5. Impact on Flooding – **No impact.**
 - g. Other impacts: **It is noted that while this property is not in the floodplain, there are floodplains on the property.**
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.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated March 25, 2019 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>
Kyle Backert Lancaster, NY	Laborer	\$13.00	April 2, 2019
John Cook Lancaster, NY	Laborer	\$14.42	April 2, 2019
Sean Gill Lancaster, NY	Laborer	\$13.00	April 2, 2019
Tyler Lis Lancaster, NY	Laborer	\$13.00	April 2, 2019
Thomas Michel Lancaster, NY	Laborer	\$13.00	April 2, 2019
Thomas Monin Lancaster, NY	Laborer	\$14.42	April 2, 2019
Noah Speyer Lancaster, NY	Laborer	\$13.00	April 2, 2019
Parker Ziemann Lancaster, NY	Laborer	\$12.00	April 2, 2019
George Besch Lancaster, NY	Recreation Attendant	\$17.25	April 2, 2019

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

April 1, 2019

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

WHEREAS, the Town Board is considering granting **Cingular Wireless, PCS LLC, d/b/a AT&T Mobility Corporation** permission to co-locate on an existing telecommunications tower located at 68 S. Penora Street (SBL No. 115.18-1-10) (SBA Communication Corp. Lancaster SW /NY13798-A; AT&T UNL06257), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on March 20, 2019 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the communications tower co-location project, using 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 Town’s Planning Board; 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 an “Unlisted” action under SEQRA.

NOW, THEREFORE,

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

1. This project, described as the modifications to existing cell site by replacing six (6) RRU/RRHs, adding six (6) RRU/RRHs, replacing three (3) TMAs, replacing six (6) antennas, adding one (1) squid, adding one (1) fiber-line and two (2) DC Power cables to the existing height of 120’ as well as adding and replacing some equipment in the existing shelter, will not result in any large and important impacts and, therefore, it is an action will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated herein.
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 DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 1, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 1, 2019

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 co-location action of Cingular Wireless, PCS LLC, d/b/a AT&T Mobility Corporation, on an existing cell Tower on a +/- .38 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: **AT&T Modification to Existing Cell Site** (Lancaster Southwest, Site No. 10050777 Project LTE 4C/5C/6C Upgrade)

Location of Action: 68 S. Penora Street (SBL No. 115.18-1-10), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted Action.

Description of Action: Modifications to existing cell site by replacing six (6) RRU/RRHs, adding six (6) RRU/RRHs, replacing three (3)TMAs, replacing six (6)antennas, adding one (1) squid, adding one (1) fiber-line and two (2) DC Power cables to the existing height of 120' as well as adding and replacing some equipment in the existing shelter.

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

1. **Impact on land - No impact.**

2. **Impact on Geological Features – No impact.**

3. **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.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

WHEREAS, the Town Board is considering the proposed commercial development of multiple warehousing buildings which will include two 98,000 s.f. storage warehouses and a 120,000 s.f. distribution warehouse with attached 15,000 s.f. office building submitted by Robert James Sales, Inc., on a +/- 45.31 acre parcel, to be located at 4543 Walden Avenue (SBL Nos. 95.00-3-4.111 & 95.00-3-6.112), in the Town of Lancaster, Erie County, New York, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this construction project pursuant to SEQR regulations at their meeting on March 20, 2019 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the commercial development project, using 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 Town of Lancaster Planning Board; 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 6NYCRR Part 617.4(6)(i) of SEQR.

NOW, THEREFORE,

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

1. Based upon the Town Board’s thorough and careful review of the proposed commercial development of multiple warehousing buildings which will include two 98,000 s.f. storage warehouses and a 120,000 s.f. distribution warehouse with attached 15,000 s.f. office building submitted by Robert James Sales, Inc. on a +/- 45.31 acre parcel located at 4543 Walden Avenue, will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA 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 DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 1, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: April 1, 2019

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 commercial development of multiple warehousing buildings which will include two 98,000 s.f. storage warehouses and a 120,000 s.f. distribution warehouse with attached 15,000 s.f. office building submitted by Robert James Sales, Inc., on a +/- 45.31 acre parcel. The Town Board has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Robert James Sales Corporate Campus

Location of Action: 4543 Walden Avenue (SBL Nos. 95.00-3-4.111 & 95.00-3-6.112)
Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: Development of an existing vacant 45.31 acre parcel into a campus to house the company’s headquarters, distribution, and warehousing facilities. The company currently is headquartered at 2585 Walden Avenue in Cheektowaga and has run out of space to store their primary product-line which is stainless steel tubing. In addition to lacking the necessary storage warehousing space, the company has outgrown its ability to distribute products from their existing facility because of the lack of loading dock space and insufficient circulation infrastructure to accommodate truck traffic. The proposed project would relocate the company to the Town of Lancaster and provide them with the ability to double their storage capacity, increase product offerings, and provide more efficient management of truck traffic due to increased loading dock and circulation infrastructure designed to efficiently handle the flow of trucks to and from the site.

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

1. Impact on land - **No impact.**
 - a. **The proposed action may involve construction on land where depth to water table is less than 3 feet – small impact.**
 - e. **The proposed action may involve construction that continues for more than one year or in multiple phases – small impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
 1. **Other impacts: The wetlands need to be avoided.**
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.**

For Further Information:

Contact Person: Kevin E. Loftus, Town Attorney

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

Telephone Number: (716) 684-3342

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

WHEREAS, the Park Crew Chief of the Town of Lancaster, by letter dated March 27, 2019, has requested an adjustment to the rate of pay for the following individual, for the Parks & Recreation Department.

NOW, THEREFORE,

BE IT RESOLVED, that the rate of pay be and hereby is adjusted from \$14.00 to \$14.42 per hour for the following part-time permanent employee:

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>	<u>EFFECTIVE DATE</u>
Mark Lubera	Laborer	\$14.42	April 2, 2019

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

April 1, 2019

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

WHEREAS, Premier Amusement, Inc. 2140 Ward Avenue Simi Valley, California, 93065 has applied for a license to operate and maintain a Game Room on premises located 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 Police Chief for review and recommendation, and

WHEREAS, the Building Inspector and Police Chief 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 Premier Amusement, Inc., 2140 Ward Avenue, Simi Valley, California 93065 to operate and maintain a Game Room on premises located at 6707 Transit Road, Lancaster, New York, with the following conditions:

1. Applications for renewal of licenses shall be submitted at least 30 days before the expiration of the existing license to the Town Clerk, who shall forward same to the Building Inspector and Chief of Police for review and comment; upon receipt of same, the Town Clerk shall forward the renewal application and report of the Police Chief and Building Inspector to the Town Board for review.
2. A copy of the entity Business Certificate is submitted to the Town Clerk's Office.
3. A new Capacity Certificate is issued after an onsite inspection by the Building Department.

BE IT FURTHER,

RESOLVED, that said license shall be issued for the **one (1) year period of April 1, 2019 to March 31, 2020** in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$600 for eight (8) 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 DICKMAN	VOTED	YES
COUNCIL MEMBER GACZEWSKI	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER WALTER	VOTED	YES
SUPERVISOR COLEMAN	VOTED	YES

April 1, 2019

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

WHEREAS, on March 18, 2019, 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 **Cingular Wireless, PCS LLC, d/b/a AT&T Mobility Corporation** for a Special Use Permit for the Co-Location to be placed on the current tower located at 68 S. Penora Street (SBL No. 115.18-1-10) (SBA Communication Corp. Lancaster SW /NY13798-A; AT&T UNL06257), which will be identified as Lancaster Southwest, Site No. 10050777 Project LTE 4C/5C/6C Upgrade, 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's Planning Board completed an environmental review for the project and in conformance with SEQR (State Environmental Quality Review) regulations on March 20, 2019, and the Lancaster Town Board, acting as lead agency issued a Negative Declaration on April 1, 2019.

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 **Cingular Wireless, PCS LLC, d/b/a AT&T Mobility Corporation** (Lancaster Southwest, Site No. 10050777 Project LTE 4C/5C/6C Upgrade) for a Special Use Permit for the Co-Location of AT&T modifications to an existing tower located at 68 S. Penora Street (SBL No. 115.18-1-10) (SBA Communication Corp. Lancaster SW /NY13798-A; AT&T UNL06257), 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 must be on file with the Town Clerk pursuant to Ch. 50-41.6(A)(9).

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

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

April 1, 2019

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

WHEREAS, James Bokor, Jr., of Robert James Sales, Inc., has submitted a site plan prepared by Advanced Architecture & Planning P.C., and Greenman-Pedersen, Inc., which includes drawing A100 printed January 15, 2019, Cover (Sheet 00) dated January 2018, Boundary & Topographic Surveys dated February 26, 2018, and Sheets 01 through 25 dated January 2019, and received January 15, 2019 for the proposed commercial development of multiple warehousing buildings which will include two 98,000 s.f. storage warehouses and a 120,000 s.f. distribution warehouse with attached 15,000 s.f. office building located at 4543 Walden Avenue (SBL Nos. 95.00-3-4.111 & 95.00-3-6.112), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was recommended for approval at their February 6, 2019 meeting, and

WHEREAS, the Town Planning Board has completed an environmental review for the project on March 20, 2019, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on April 1, 2019.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by James Bokor, Jr., of Robert James Sales, Inc., prepared by Advanced Architecture & Planning P.C., and Greenman-Pedersen, Inc., which includes drawing A100 printed January 15, 2019, Cover (Sheet 00) dated January 2018, Boundary & Topographic Surveys dated February 26, 2018, and Sheets 01 through 25 dated January 2019, and received January 15, 2019 for the proposed commercial development of multiple warehousing buildings which will include two 98,000 s.f. storage warehouses and a 120,000 s.f. distribution warehouse with attached 15,000 s.f. office building located at 4543 Walden Avenue (SBL Nos. 95.00-3-4.111 & 95.00-3-6.112), with the following conditions:

1. Property owner to return two (2) executed originals of the Stormwater Control Facility Maintenance Agreement to the Town Attorney's Office. This Agreement shall be binding on all subsequent landowners and shall be filed in the office of the County Clerk as a deed restriction on the property prior to issuance of Certificate of Occupancy.
2. Deed descriptions for SBL Nos 95.00-3-4.111 & 95.00-3-6.112 are to be filed with Erie County as one parcel.
3. An amended landscape plan, approved by the Parks, Recreation and Forestry Department, providing a buffer to screen 1043 Ransom Road on the west property line, is to be supplied upon application for a Building Permit.
4. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
5. Private Improvement Permits are required for Storm Sewer and Detention Basin

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

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

April 1, 2019

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

WHEREAS, Chris Koenig, of the Niagara Lutheran Health System, has submitted a site plan amendment prepared by Gordon W. Jones Associates, Architects, P.C., containing drawings S1 through S8 dated 2018, printed January 14, 2019 and received January 15, 2019 for the proposed construction of a 9,300 s.f. daycare and wellness center addition as part of the Greenfields Continuing Care Community located at 5959 Broadway (SBL No. 116.02-2-21), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was recommended for approval at their March 20, 2019 meeting, and

WHEREAS, the Town Planning Board has completed an environmental review for the project on March 20, 2019, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on April 1, 2019.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan amendment submitted by Chris Koenig, of the Niagara Lutheran Health System, prepared by Gordon W. Jones Associates, Architects, P.C., containing drawings S1 through S8 dated 2018, printed January 14, 2019 and received January 15, 2019 for the proposed construction of 9,300 s.f. daycare and wellness center addition as part of the Greenfields Continuing Care Community located at 5959 Broadway (SBL No. 116.02-2-21), with the following conditions:

1. The buildings are to be clearly identified on the site.
2. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
3. Private Improvement Permits are required.

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

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

April 1, 2019

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

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

WHEREAS, the Town Board of the Town of Lancaster has proposed a Local Law of the year 2019, entitled “**Small Wireless Facilities**”, and further designated as Article VIIC of Chapter 50- Zoning, Sections 50-41.19(A) and 50-41.19(B) of the Code of the Town of Lancaster, and

WHEREAS, the proposed local law of 2019 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

NOW, THEREFORE,

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

1. A public hearing for the proposed Local Law is hereby set for the 15TH day of April 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

April 1, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 1, 2019 , the said Town Board will hold a Public Hearing on the 15th day of April, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law of the year 2019, entitled “Small Wireless Facilities” further designated as ARTICLE VIIC of Chapter 50-Zoning, Sections 50-41.19(A) and 50-41.19(B) of the Code of the Town of Lancaster which will regulate Small Wireless Facilities in the Town of Lancaster. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

April 4, 2019

Town of Lancaster
Local Law No. ___ of 2019

A Local Law Amending the Town of Lancaster Code Relating to the Placement and Erection of Small Wireless Facilities.

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

Section 1: The Town of Lancaster Town Code is hereby amended to add **Small Wireless Facilities**”, further designated as Article VIIC of Chapter 50- Zoning, Sections 50-41.19(A) and 50-41.19(B), to read in its entirety as follows:

Article VIIC Small Wireless Facilities

19(A). Conditions Applying to All Small Wireless Facilities

1. Definitions.

As used in this section, the following terms shall have the meanings indicated.

CAMOUFLAGE

To use concealment techniques to blend the installation of the structure into the surrounding area by mimicking its surroundings or otherwise disguising it in the environment.

CO-LOCATE

To install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole.

CONCEALED INSTALLATION ON BUILDING

Building-mounted Small Wireless Facilities that completely screen all associated equipment and facilities from public view by approved methods that are in keeping with the character of the building, surrounding area and any applicable design guidelines or standards as determined by the Town.

CPCN

A “certificate of public convenience and necessity” granted by the NPUC or its duly appointed successor agency pursuant to New York Codes, Rules and Regulations Title 16 et seq., as may be amended.

GROUND-BASED EQUIPMENT or GROUND-BASED ENCLOSURES

Any equipment associated with installation of a Small Wireless Facility and/or support structure that will be located on the surface of the ground with some or all of the facility located above grade.

LICENSE

The document granted to an individual under this Section, which permits its holder, the Licensee (see definition), to have all the rights, privileges, and obligations arising under this Local Law. Any license issued under this Section is non-exclusive and is subject to the limitations provided herein.

LICENSEE

Any person having applied for a License under this Section and holding such a License.

NPUC

A New York Public Service Commission, or its duly appointed successor agency.

PERMITTEE

An Applicant that has received a Special Use Permit under this Section.

POLE

A legally constructed pole, such as a utility, lighting, traffic, or similar pole.

RIGHT-OF-WAY or ROW

The area on, below, or above a public roadway, highway, street, sidewalk, alley, utility easement, or similar property, under the jurisdiction of the Town.

RF

Radio frequency.

SMALL WIRELESS FACILITY or MICRO WIRELESS FACILITY, SMALL CELL, “SWF”

A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure measuring no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility measuring no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

SUPPORT STRUCTURE

A freestanding structure such as a utility pole, monopole, or other existing or proposed structure designed to support or be capable of supporting wireless facilities.

UTILITY POLE

A pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications; cable or electric service; or for lighting, traffic control, signage, or a similar function regardless of ownership, including Town-owned poles. Such term shall not include structures supporting only Small Wireless Facilities.

WIRELESS INFRASTRUCTURE PROVIDER

Any entity including a person authorized to provide telecommunications service in the state, who builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but who is NOT a wireless services provider.

2. Purpose and Legislative Intent

- a. The Town desires to encourage small-cell wireless telecommunication infrastructure investment by providing a fair and predictable process for the deployment, while enabling the Town to promote the management of its public ROW in the overall interests of the public health, safety, and welfare. The Town recognizes that wireless facilities are critical to delivering wireless access to advanced technology, broadband, and 911 services to homes, businesses, and schools within the Town, and new technology has increased the need for towers and antennas to serve the Town. The Town further recognizes that SWF often may be deployed most effectively in the ROW. The Town desires to enact a legal framework which will permit the expedited review process for the deployment of such SWF when specified criteria are met and to permit placement of towers and antennas in locations which will allow telecommunications services to be rendered in conformity with both the Federal Telecommunications Act of 1996, and with the goals of local comprehensive plans and zoning ordinances.
- b. In enacting this Section, the Town is establishing uniform standards to address issues presented by SWF, including, without limitation, to:
 - 1. Prevent interference with the use of streets, sidewalks, alleys, parkways, and other public ways and places;

2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevent interference with existing facilities and operations of facilities presently lawfully located in rights-of-way or public property;
4. Ensure reasonable efforts are made to preserve the character of neighborhoods in which facilities are installed;
5. Protect community aesthetics and visual and historic resources.
6. Protect against environmental damage, including damage to trees;
7. Facilitate the installation of SWF to provide benefits of reliable access to wireless telecommunications technology, broadband, and 911 services to homes, business, and schools within the Town.

3. Applicability

This Section applies to all existing SWF and all Applications and requests for approval to construct, install, modify, co-locate, relocate, or otherwise deploy SWF.

4. Application Requirements.

- a. **Special Use Permit Application.** All persons wishing to construct, install, modify, co-locate, relocate, or otherwise deploy SWF must submit an application for a Special Use Permit for approval by the Town Board of the Town of Lancaster. The Town Board shall follow the procedures set forth in New York Town Law § 274-b for consideration of the Special Use Permit Applications. The SWF Permit Application shall contain the following, to include 9 hard copies and 1 digital copy:
 1. **Letter Application and Applicable Application Fee(s).** The letter application must contain a detailed description of the proposal, the number of SWFs involved in the subject application, their proposed locations, and a description of the proposed locations, including the zoning districts and nearby land uses. The letter application must also contain the Applicant's name and contact information, as well as the names and contact information for all consultants acting on behalf of the Applicant, if any.
 2. **Owner's Authorization and/or Evidence of Property Rights.** The Applicant must demonstrate it has adequate real property rights for the installation and maintenance of the SWF. This would include, but not be limited to, owner authorization, an easement, a lease, and/or a License issued pursuant to this Section.
 3. **Project Plans.** The Applicant must provide a fully dimensioned site plan and elevation drawings prepared and sealed by a New York-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed SWF with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed SWF and any associated access or utility easements.
 4. **Site Photos and Photo Simulations.** The Applicant must provide photographs and simulations that show the proposed SWF in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle. These simulations must indicate both location of the proposed SWF as well as design aesthetics that reflect

compliance with this Section.

5. RF Compliance Demonstration. The Applicant must provide an RF exposure compliance report prepared and certified by a New York-licensed engineer acceptable to the Town that certifies that the proposed SWF, as well as any co-located SWF, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power (“ERPP”) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of the areas with RF exposures in excess of the controlled/occupations limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site in accordance with FCC requirements, if applicable.
6. Acoustic Analysis. The Applicant must provide a written report that analyzes acoustic levels for the proposed SWF and all associated equipment. The acoustic analysis must be prepared and certified by an engineer and include an analysis of the manufacturer’s specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines.
7. Project Purpose Statement/Need Demonstration. The Applicant must provide a written statement that includes:
 - a. A description of the technical objectives to be achieved;
 - b. An annotated topographical map that identifies the targeted service area to be benefited;
 - c. The estimated number of potentially affected users in the targeted service area; and
 - d. Full-color signal propagation maps with objective units of signal strength measurements that show the Applicant’s current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.
8. Alternatives Analysis. The Applicant must list all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The Applicant must also provide a written explanation for why the alternatives considered were unacceptable or not feasible, unavailable or not as consistent with the design standards. This explanation must include a comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, not feasible, unavailable, or not as consistent with the design standards in this Section as the proposed location.
9. The Applicant shall provide manufacturer’s information for the SWF and support structure, if applicable.
10. The Applicant shall provide technical specifications of the SWF and support structure, if applicable, and evidence that such structure is capable of handling the addition of SWF.

11. The Applicant shall provide a written maintenance and removal plan, made to and acceptable by the Town, to include an agreement by the Applicant and/or owner to remove all the components of the SWF in the event the facility becomes non-functional, ceases to be used for its originally intended purposes or is otherwise abandoned, as determined by the Town. The maintenance and removal plan shall remain in full force for the life of the SWF. An acceptable bond and/or surety, for the purposes of removing the SWF, submitted to the Town for review, shall be purchased and remain in force for the life of the SWF.

12. The Applicant shall provide any other items that the Town shall deem necessary for a thorough and complete review of the proposal.

- b. One Application Required. Although each SWF requires its own Special Use Permit, the Applicant need submit only one Application regardless of the number of proposed SWF or locations. The Board may, in its sole discretion, deny the Application, grant the Application in full, or partially grant the Application by issuing Special Use Permits for only some of the SWF proposed in the Application.
- c. Maintenance. Subject to the requirements for the initial application, an Application shall not be required for routine maintenance, unless otherwise specified within this Section. Replacement of any portion of a SWF shall require an amendment to the Special Use Permit, requiring compliance with all applicable requirements and procedures set forth in this Section.
- d. Application Fees. The Applicant shall pay the Town a \$600 fee for the Special Use Permit Application for the first SWF, plus \$150 per each additional SWF for which the Applicant is requesting a permit.
- e. Third-Party Professional Consultants. The Town, in its sole discretion, may retain third-party consultant(s) to assist in the review of a proposed SWF. The cost of such third-party consulting services shall be reimbursed by the Applicant to the Town within thirty (30) days of the Town receiving an invoice for third party consulting services.

5. **Exceptions to the Special Use Permit Requirement.**

The following SWFs shall be exempt from the Special Use Permit requirements and, upon compliance with the substantive requirements of this Section, require only an approval determination from the code enforcement officer. The fee for this review by the code enforcement officer shall be \$325 for the first SWF, plus \$75 per each additional SWF for which the Applicant is requesting approval.

- a. SWFs that are Concealed Installations on Buildings within the following zoning districts: **[INSERT ZONING DISTRICTS HERE]**.
- b. Collocation on existing Poles that are within the following zoning districts: **[INSERT ZONING DISTRICTS HERE]**.

6. **Site Location Guidelines.**

- a. Preferred Locations. The Town prefers co-location and siting in manufacturing and/or business districts as defined in Chapter 50 over residential zoning districts.
- b. Discouraged Locations. The Town discourages new support structures and the location in residential zoning districts. Where possible, efforts should be made to co-locate or to locate in manufacturing or business zoning districts. If location in a residential zoning district is necessary, techniques to minimize aesthetic impacts are mandatory, including Camouflage.

- c. Prohibited Locations. The Town prohibits any structures or parts of structures associated with SWF placement from obstructing access to above- or underground traffic control infrastructure, public transportation vehicles, shelters, street furniture, or other improvements, above- or underground utility infrastructure, fire hydrants, doors, gates, or other ingress and egress points to any building appurtenant to the ROW, or any fire escape. Ground-mounted equipment shall not be closer than twelve (12) feet from any permanent object, existing lawful encroachment in the ROW, and driveway aprons.

7. **Design Standards.**

- a. Construction categories. Each SWF shall comply with the standards set forth for each location type.

- 1. Existing support structure

- a. Equipment. All equipment must be installed as close to the Support Structure as technically feasible to minimize its visibility from public view to the greatest extent feasible. All conduits, conduit attachments, cables, wires, and other connectors shall be concealed from the public view to the greatest extent feasible. Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.
- b. Minimum Clear Height. With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
- c. Maximum Height. No part of the SWF shall exceed ten (10) feet above the existing Support Structure. Ground mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
- d. Maximum Volume. The maximum volume of each antenna shall not exceed six (6) cubic feet.
- e. Maximum Equipment Volume. The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
- f. Reservation of Rights. The Town reserves its right to request additional information, analysis, studies, including further expert opinion, at the Applicant's expense, pertaining to the Application and any issues of concern.
- g. Each SWF shall be on one support structure.
- h. Each SWF shall be at least 500 feet from another SWF.

- 2. New support structure

- a. Basis. The Town will consider new poles only if the Applicant can demonstrate that replacing or utilizing an existing pole is not possible or feasible. Any new poles must meet all Town and other applicable laws.
- b. Support Structure Requirements. All Applicants shall propose new Support Structures that complement the community character of the area, and any applicable design guidelines that

may exist for the area. When existing utility poles exist, new support structures may feature a similar design and aesthetic. Where no existing utility poles exist, architecturally significant support structures shall be proposed, including, but not limited to, flag poles and decorative light standards.

- c. **Equipment.** All equipment must be installed as close to the support structure as technically feasible to minimize its visibility from public view. All conduits, conduit attachments, cables, wires, and other connectors shall be concealed from the public view to the greatest extent feasible. Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.
- d. **Minimum Clear Height.** With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
- e. **Maximum Height.** No part of the SWF shall exceed forty (40) feet above ground level or ten (10) feet above the average height of all Utility Poles within a five hundred (500) foot radius, whichever is less. Ground mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
- f. **Maximum Diameter.** The maximum diameter of any new poles not intended for public distribution shall not exceed eighteen (18) inches at the base.
- g. **Maximum Volume.** The maximum volume of each antenna shall not exceed six (6) cubic feet.
- h. **Maximum Equipment Volume.** The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
- i. **Installation.** Any new poles not intended for public distribution shall:
 - i. Be installed as far as practicable off the traveled way;
 - ii. Not be taller than any existing poles adjacent to the proposed location;
 - iii. Not be installed in the ROW unless fixed objects exist at the same or closer distance from the roadway;
 - iv. Not be any closer to the roadway than any existing pole line;
 - v. Be buried with no foundation unless an exception is justified and approved by the Department of Public Works Director of Engineering or designee; and
 - vi. To the extent practicable, be located outside of residentially-zoned neighborhoods.
- j. **Reservation of Rights.** The Town reserves its right to:

- i. Reject new poles for any of the following reasons: traffic, safety, conflict with existing structure or utility, conflict with pedestrian or complete street features, or future planned activities. Any notice of denial must be in writing and explain the basis for the denial, and be sent to the Applicant and the authority controlling the ROW, if not controlled by the Town of Lancaster.
- ii. Request additional information, analysis, studies, including further expert opinion, at the Applicant's expense, pertaining to the Application and any issues of concern.

3. Concealed Installation on Building.

- a. Equipment. All equipment must be installed such that its visual appearance is consistent with other accessory mechanical and/or building service appurtenances. All conduits, conduit attachments, cables, wires, and other connectors shall match the color of existing building mechanicals or the adjacent building material color. Ground-mounted equipment is not preferred and shall be minimized to the greatest extent feasible. Where used, ground-mounted equipment must incorporate concealment techniques in compliance with the requirements of subsection (c) of this Section 7.
 - b. Minimum Clear Height. With the exception of any ground-mounted equipment, no part of the SWF shall be less than ten (10) feet above grade.
 - c. Maximum Height. No part of the SWF shall exceed ten (10) feet above the building roof or parapet wall. Ground-mounted cabinets shall be secured to a concrete slab and shall not exceed three feet in height.
 - d. Maximum Volume. The maximum volume of each antenna shall not exceed six (6) cubic feet.
 - e. Maximum Equipment Volume. The maximum equipment volume shall not exceed twenty-eight (28) cubic feet, or fifteen (15) cubic feet for ground-mounted equipment.
 - f. Applications. Applicants must secure an approved building permit from the Office of Building Inspections.
- b. Engineering Requirements. The applicant must provide an installation design prepared by a professional engineer licensed in New York State that demonstrates the pole strength of the pole to be used.
- c. Aesthetic Requirements. The character of the neighborhood and the visual quality of the surroundings must be taken into account when installing SWF, whether to new or existing poles. In order to avoid unnecessary adverse visual impacts and to preserve the area in which the SWFs are being installed, and in addition to the conditions set forth above, all SWFs shall meet the following requirements:
1. Poles and equipment shall be painted in a neutral color that is consistent with other new and existing poles in the general geographic area so as to reduce visual intrusiveness.

2. Poles shall be constructed of the same or similar material as other new and existing poles in the general geographic area.
3. Poles shall be constructed in the same or similar shape as other new and existing poles in the general geographic area.
4. Poles may be camouflaged or disguised as deemed appropriate.
5. No artificial lighting is permitted on the pole unless otherwise required by law or permitted *e.g.*, where no existing utility poles exist and a decorative light pole is used with express permission. Any permitted lighting must be consistent in design and bulb type with other lighting fixtures in the general geographic area.
6. Commercial signage is not permitted on any pole unless already existing at the time of the installation.
7. Equipment shall be affixed to the pole in a tight, neat, and orderly fashion. Where possible, equipment shall be flush mounted with the pole and in no case shall offset mounting exceed six (6) inches. No wires may be loose or dangling, with a preference that the wires be enclosed within the pole where possible.
8. Equipment shall consistent in size with the pole of which it is being attached and minimally shall be consistent with the suggested designs shown in the Appendix to this Section.
 - a. Maximum Volume. The maximum volume of each antenna shall not exceed six (6) cubic feet.
 - b. Maximum Equipment Volume. The maximum equipment volume shall not exceed twenty-eight (28) cubic feet.
9. Ground mounted equipment shall be minimized to the greatest extent feasible. Where used, ground equipment shall incorporate concealment techniques matching color and materials of the wireless support structure, unless other materials or colors are approved by the Town. Applications shall include proposed concealment techniques for ground-mounted equipment, which may include, but are not limited to: strategic choice of color, paint, and/or materials, landscaping, placement in less visible locations, and placement within existing or replacement street furniture.

8. Standard Conditions of Approval.

In addition to any other conditions imposed by the Town Board or the code enforcement officer in the case of applications exempt from the Special Use Permit requirement, Special Use Permits and approvals by the code enforcement officer for the installation of SWFs shall be automatically subject to the conditions set forth herein. The Town Board and/or the code enforcement officer shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to allow for the proper operation of the approved facility consistent with the goals of this Section.

- a. Approved Plans. Before the Permittee submits any applications to the Building Department, the Permittee must incorporate the Permit, all conditions associated with this Permit and the approved photo simulations into the project plans. The Permittee must construct, install and operate the SWF in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with, must be submitted in a written request subject to the Building Department prior to review and approval, who may refer the request to the original approval authority if it is found that the

requested alteration, modification or other change implicates a significant or substantial land use concern.

- b. **Build-out Period.** The Permit will automatically expire one (1) year from the issuance date unless the Permittee obtains all other permits and approvals required to install, construct, and/or operate the approved SWFs and commences the installation and construction, which includes without limitation any permits or approvals required by any federal, state, or local public agencies with jurisdiction over the subject property, the SWF, or its use. The Town may grant extensions to a date certain when the Permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- c. **Maintenance Obligations: Vandalism.** The Permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, and access routes, in a neat, clean, and safe condition in accordance with the approved plans and all conditions in the Permit. The Permittee shall keep the site area free from all litter and debris at all times. The Permittee, at no cost to the Town, shall remove and remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the Permittee received notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- d. **Compliance with Laws.** The Permittee shall maintain compliance at all times with all federal, state, and local statutes, regulations, orders or other rules that carry the force of law applicable to the Permittee, the subject property, the SWF or any use or activities in connection with the use authorized in the Permit. The Permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve, or otherwise lessen the Permittee's obligations to maintain compliance with all applicable laws, regulations, orders, and rules.
- e. **Inspections.** The Permittee expressly acknowledges and agrees that the Town or its designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the Permittee; provided, however, that the Town may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable, or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The Permittee will be permitted to supervise the Town or its designee while such inspection or emergency access occurs.
- f. **Contact Information.** The Permittee shall furnish the Town with accurate and up-to-date contact information for a person responsible for the SWF, which includes, without limitation, such person's full name, title, direct telephone number, facsimile number, mailing address, and email address. The Permittee shall keep such contact information up-to-date at all times.
- g. **Rescission of Permit for Non-compliance.** The Town Board may rescind any Permit issued under this Local Law for review at any time due to noncompliance with applicable law or any approval conditions. At a duly noticed hearing and in accordance with all applicable laws, the Town Board may revoke any such Permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
- h. **Record Retention.** The Permittee shall retain full and complete copies of all licenses, permits, and other regulatory approvals issued in connection with the SWF, which includes, without limitation, all conditions of approval, approved plans, resolutions, and other documentation associated with the license, permit, or regulatory approval.
- i.

19(B). Conditions Applying to Small Wireless Facilities Located in the Town ROW

1. Applicability.

The contents of this subsection (B.) are applied in addition to the contents of subsection (A.) for Applicants proposing SWF located in the Town ROW.

2. License.

Where the proposed SWF is in the Town ROW, before any Application may be submitted, a non-exclusive license to place the SWF is required. No SWF is allowed in the Town ROW unless first a non-exclusive license is obtained from the Town by the Applicant.

- j. No exclusive, irrevocable property right or any other interest is created by the License. There is no right to convey, express or implied, with the License.
- k. The License may not be assigned, except upon written consent of the Town, which shall not be unreasonably withheld, provided the assignee assumes all obligations of the License, agrees to abide by its terms in writing, and meets all other criteria as set forth in this Section.
- l. A general License will be granted per Applicant for all Town ROWs provided that the Applicant meets the requirements for such a License.
- m. An Applicant shall demonstrate the entitlement to use the land for the designated purpose *e.g.*, through demonstration that the Town owns the fee of the highway at issue, through the grant of an easement or a pole attachment agreement, and, if requested, by a legal opinion of the Applicant's counsel for the benefit of the Town.
- n. The License agreement shall be in the general form as developed by the Town.
- o. Each License agreement is subject to approval by the Town Board.
- p. By issuance of a License, the Town does not represent or warrant title or ownership of the ROW.
- q. Indemnification. To the fullest extent permitted by law, the Licensee, and, if applicable, the property owner upon which the wireless facility is installed or to be installed shall defend, indemnify, and hold harmless the Town, its agents, officers, officials, employees, and volunteers from any and all (1) damages, liabilities, injuries, losses, costs, and expenses, including reasonable attorneys', experts', and consultants' fees, and from any and all claims, demands, law suits, writs and other actions or proceedings ("Claims") brought against the Town or its agents, officers, officials, employees, or volunteers to challenge, attach, seek to modify, set aside, void, or annul the Town's approval of a License issued under this Local Law, and (2) other Claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the Permittee's or its agents', directors', officers', employees', contractors', subcontractors, Licensee's, or customers' acts or omissions in connection with such a License or the wireless facility. Any further indemnification requirements will be further outlined in the License.
- r. Performance Bond. Before the building official issues any construction permit in connection with the wireless facility, the Licensee shall post a performance bond from a surety and in a form acceptable to the Town Attorney in an amount equal to or greater than a written estimate from a New York Licensed Engineer with experience in SWF removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without imitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings, and foundations, whether above ground or below ground, constructed or installed, in connection with the SWF. In establishing or adjusting the bond amount required under this condition, and in accordance with New York Code, the Town shall take into consideration information

provided by the Licensee regarding the cost to remove the wireless facility.

- s. Insurance. Without limiting the indemnification provision herein, and in addition to the performance bond required herein, Licensee shall procure, at Licensee's expense, insurance as required by the License and this Chapter.

3. Rates and Fees.

In addition to the fees outlined in subsection (A.) of this Section, the following fees apply for SWF to be located in the Town ROW:

- t. License Fee. The Applicant shall pay the Town applicable License fee(s), as determined by the Town Board by resolution and incorporated into the License Agreement. This shall include a separate charge where the Applicant seeks to locate on Town-owned infrastructure.
- u. ROW Authorization Fee. A Wireless Provider authorized to place SWF in the ROW shall pay the Town a one-time authorization fee of \$600 for the first SWF, plus \$175 per each additional SWF for which the Applicant is requesting authorization.
- v. Annual Fee. A Wireless Provider authorized to place SWF in the ROW shall pay to the Town annual compensation for use of the Town ROW in the amount of \$340 per SWF in the Town ROW.

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

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

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

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

WHEREAS, a proposed Local Law of the year 2019 has been introduced, entitled “**FLOODPLAINS REVISION**”, which will amend the Code of the Town of Lancaster by repealing the current “Chapter 21. Floodplains,” within the Town of Lancaster’s Town Code in its entirety and replacing it with a newly revised “Chapter 21. Floodplains” in order to comply with New York State requirements, and

WHEREAS, the proposed local law of 2019 shall be in the form attached hereto and made a part hereof, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required on the proposed Local Law;

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

1. A public hearing for the proposed Local Law is hereby set for the 15th day of April 2019 at 7:15 o'clock P.M.
2. The Town Clerk is directed to provide notice of the public hearing as required by law.
3. This resolution is effective immediately.

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

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

April 1, 2019

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted April 1, 2019, the said Town Board will hold a Public Hearing on the 15th day of April, 2019 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town of Lancaster Town Code by repealing in its entirety the current Chapter 21. Floodplains, and replacing it with a newly revised Chapter 21. Floodplains in order to comply with New York State requirements. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk
April 4, 2019

Town of Lancaster
Local Law No. ____ of 2019

A Local Law Amending the Town of Lancaster Code Relating to Floodplains.

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

Section 1: Chapter 21. Floodplains, of the Town of Lancaster Town Code is hereby deleted in its entirety.

Section 2: The Town of Lancaster Town Code is hereby amended to add Chapter 21. Floodplains to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

Chapter 21. Floodplains

Article I. Statutory Authorization and Purpose

§21-1. Findings.

The Town Board of the Town of Lancaster finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Lancaster and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§21-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

§21-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood-control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Article II. Definitions and Word Usage

§21-4. Word usage and definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

ACCESSORY STRUCTURE

A structure used solely for parking (two-car detached garages or smaller) or limited storage, represent minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habilitation.

APPEAL

A request for a review of the Local Administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain." For purposes of this chapter, "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING

See "structure."

CELLAR

See "basement."

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING:

- (1) A non-basement building:
 - (a) Built, in the case of a building in Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zone V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and
 - (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- (2) In the case of Zone A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
- (3) In the case of Zone V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

FLOOD or FLOODING:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated VU, cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source. (See "flooding.")

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

See "regulatory floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or the datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME

See "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community, and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE-HUNDRED-YEAR FLOOD

See "base flood."

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in **§21-14B** of this chapter.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of a permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings, or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footing, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not

that alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank; that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a “Historic structure”, provided that the alteration will not preclude the structure's continued designation as a “Historic structure”.

VARIANCE

A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

Article III. General Provisions

§21-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster.

§21-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Maps

36029C0229H, 36029C0233H, 36029C0234H, 36029C0237H, 36029C0239H,
36029C0241H, 36029C0242H, 36029C0243H, 36029C0244H, 36029C0253H,
36029C0254H, 36029C0261H, 36029C0262H, 36029C0263H, 36029C0264H,
36029C0352H, 36029C0356H, 36029C0357H, 36029C0376H, 36029C0377H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled “Flood Insurance Study, Erie County, New York (All Jurisdictions)” dated June 7, 2019.

- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: Town of Lancaster Building and Zoning Department, 21 Central Avenue, Lancaster, NY.

§21-7. Interpretation and conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

§21-8. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§21-9. Penalties for non-compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Lancaster from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§21-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Lancaster, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Article IV. Administration

§21-11. Designation of Local Administrator.

The Town of Lancaster Building Inspector is hereby appointed Local Administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§21-12. Floodplain development permit; fees and costs.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in **§21-6**, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$300. In addition, the applicant shall be responsible for reimbursing the Town of Lancaster for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of not more than \$500 to cover these additional costs.

§21-13. Permit application.

The applicant shall provide the following information as appropriate; additional information may be required on the permit application form:

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built flood-proofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in **§21-16C**, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential flood-proofed structure will meet the flood-proofing criteria in **§21-19**, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in **§21-6**, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§21-14. Duties and Responsibilities of Local Administrator.

Duties of the Local Administrator shall include but not be limited to the following:

- A. Permit application review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
- (1) Review all applications for completeness, particularly with the requirements of **§21-13**. Permit application, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V, Construction Standards and, in particular, **§21-15A**, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to **§21-13G**, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
 - (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.
 - (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in **§21-6**, the Local Administrator may reasonably, utilize the other flood information to enforce more restrictive development standards.
- C. Alteration of watercourses.
- (1) Notify adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
 - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- D. Construction stage.
- (1) The Local Administrator shall, in Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
 - (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- E. Inspections.
- The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop-work orders.
- (1) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in **§21-9** of this chapter.
 - (2) The Local Administrator shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in **§21-9** of this chapter.
- G. Certificate of compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in **§21-6**, it shall be

unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this chapter.

- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in **§21-14E**, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The Local Administrator shall retain and make available for inspection copies of the following:
- (1) Floodplain development permits and certificates of compliance.
 - (2) Certificates of as-built lowest floor elevations of structures, required pursuant to **§21-14D(1)** and **(2)**, and whether or not the structures contain a basement;
 - (3) Floodproofing certificates required pursuant to **§21-14D(1)** and whether or not the structures contain a basement;
 - (4) Variances issued pursuant to Article **VI**, Variance Procedures; and
 - (5) Notices required under **§21-14C**, Alteration of watercourses.

Article V. Construction Standards

§21-15. General standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in **§21-6**:

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage.
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage.
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- B. Encroachments.
- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in **§21-6**, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (a) A technical evaluation by a licensed profession engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with the standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (b) The Town of Lancaster agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Lancaster for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Lancaster for all costs related to the final map revision.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town of Lancaster shall as soon as practicable, but not later than six (6) months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.
 - (4) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

§21-16. Standards for all structures.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in **§21-6**.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) Enclosed areas.
 - (a) For enclosed areas below the lowest floor or a structure within Zone A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the follow-in minimum criteria:
 - (1) A minimum of two (2) openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade; and
 - (3) Openings shall not be less than three inches in any direction.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§21-17. Storage tanks.

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- B. Above-ground tanks shall be:
 - (1) Anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;
 - (2) Installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in §21-6 plus two feet.

§21-18. Residential structures.

Elevation. The following standard, in addition to the standards in §21-15A, Subdivision proposals, and §21-15B, Encroachments, and §21-16, Standard for all structures, apply to new and substantially improved structures located in areas of special flood hazard as indicated:

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated two feet or more above the base flood elevation.
- B. Within Zone A, when no base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in §21-6 plus two feet (at least three feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

§21-19. Non-residential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 21-15A, Subdivision proposals, and § 21-15B, Encroachments, and § 21-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevations; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection **A(2)**.
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection **A(2)**, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§21-20. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in **§21-15**, General standards, and **§21-16**, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (1) Be on site fewer than 180 consecutive days;
 - (2) Be fully licensed and ready for highway use; or
 - (3) Meet the requirements for manufactured homes in Subsections **B**, **C**, and **D**.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated two feet or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- C. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is elevated by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- D. Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in **§21-6** plus two feet (at least three feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

§21-21. Accessory structures including detached garages.

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in **§21-6**.

- A. Within Zones A3-A30, AE, AO, AH, and A, accessory structures must meet the standards of **§21-16(A)**.
- B. Within Zones A1-A30, AE, and AH, and also Zone A, if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- C. Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- D. Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters in accordance with **§21-16(B)(3)**.
- E. Utilities must meet the requirements of **§21-16(C)**.

Article VI. Variance Procedure

§21-22. Appeals board.

- A. The Zoning Board of Appeals as established by the Town Board of the Town of Lancaster shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity to the facility of a waterfront location, where applicable.
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The costs to local governments and the dangers associated with conducting search-and-rescue operations during periods of flooding.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (12) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations and maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

- E. Upon consideration of the factors of **§21-22D** and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- F. The Local Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§21-23. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure"; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in §21-14(H) of this chapter.

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 RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, Town of Lancaster Highway Superintendent, Daniel Amatura, by letter dated March 18, 2019 has advised the Town Board that the Highway Department no longer has use for the following equipment and has requested that the Town Board deem these items to be surplus equipment and permit the Highway Superintendent to offer this equipment at an online auction:

1. 6 String Trimmers:
STIHL FS55 SER# 281148089
STIHL FS55 SER# 281148100
STIHL FS85 SER# 255002453
STIHL FS90 SER# 284012121
STIHL FS110 SER# 290017351
STIHL FS130 SER# 267918049
2. Earthquake Model 9000 Gasoline Powered Auger w/two bit SER# 39799
3. STIHL TS510 Saw w/chassis & water tanks SER# 113860937
4. LYNX Model LHH-2A Chain Hoist SER# BA8802
5. Misc. outdated surveying equipment (transit/rods)
6. 3 pc Cutting Edge Set for 1996 Deere Loader
7. 23.5 x 25 Tire & Rim for 1996 Deere Loader
8. 1997 CM Air Compressor
9. Skyjack SJIII-3226 Scissor Lift SER# 28170
10. 18" & 24" Bobcat Excavating Buckets
11. 7 Truck Bumpers
12. 2002 ODB Leafloader SER# 0602-3402
13. 1998 Sullivan Compressor SER# 17564A

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit placement of said items on an online auction;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned items in thirteen (13) categories to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052, starting April 4, 2019 and concluding on April 18, 2019, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

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

April 1, 2019

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has declared the following equipment as surplus equipment:

1. 6 String Trimmers:
 - STIHL FS55 SER# 281148089
 - STIHL FS55 SER# 281148100
 - STIHL FS85 SER# 255002453
 - STIHL FS90 SER# 284012121
 - STIHL FS110 SER# 290017351
 - STIHL FS130 SER# 267918049
2. Earthquake Model 9000 Gasoline Powered Auger w/two bit SER# 39799
3. STIHL TS510 Saw w/chassis & water tanks SER# 113860937
4. LYNX Model LHH-2A Chain Hoist SER# BA8802
5. Misc. outdated surveying equipment (transit/rods)
6. 3 pc Cutting Edge Set for 1996 Deere Loader
7. 23.5 x 25 Tire & Rim for 1996 Deere Loader
8. 1997 CM Air Compressor
9. Skyjack SJIII-3226 Scissor Lift SER# 28170
10. 18" & 24" Bobcat Excavating Buckets
11. 7 Truck Bumpers
12. 2002 ODB Leafloader SER# 0602-3402
13. 1998 Sullivan Compressor SER# 17564A

This surplus equipment and will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>, 11167 Big Tree Road, East Aurora, New York 14052 beginning April 4, 2019 and concluding on April 18, 2019.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER

By: Diane M. Terranova
Town Clerk

April 4, 2019

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

WHEREAS, Town of Lancaster Highway Superintendent, Daniel Amatura, by letter dated March 18, 2019 has advised the Town Board that the Highway Department no longer has use for the following equipment and has requested that the Town Board deem these items to be surplus equipment and permit the Highway Superintendent to offer this equipment at an online auction:

1. Brother Typewriter Model EM-630 SER# B58441944
2. Minolta Bizhub C353 Model DF-611 SER# A01H0W0049912 **AS IS**
3. Copier Toner: 2 Black TN314K AOD7131
1 Yellow TN314Y AOD7231
1 Magenta TN314M AOD7331
1 Cyan TN314C AOD7431
4. HP Laser Jet Toner: 2 Black 304A CC530AD
1 Magenta 304A CC533A
1 Yellow 304A CC532A
5. Etherfast Cable/DSL Router LINKSYS Model BEFSR41/ver.3
SER# C2130CAG1826, and

WHEREAS, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned equipment to be surplus equipment and permit placement of said items on an online auction;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the beforementioned items in five (5) categories to be surplus equipment and authorizes the Highway Superintendent to place said items up for public bid at an online auction with Auctions International, <http://www.auctionsinternational.com>; 11167 Big Tree Road, East Aurora, New York 14052, starting April 4, 2019 and concluding on April 18, 2019, with the funds received from said auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

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

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

April 1, 2019

PUBLIC AUCTION
OF TOWN OWNED SURPLUS EQUIPMENT

Notice is hereby given that the Town Board of the Town of Lancaster has declared the following equipment as surplus equipment:

1. Brother Typewriter Model EM-630 SER# B58441944
2. Minolta Bizhub C353 Model DF-611 SER# A01H0W0049912 **AS IS**
3. Copier Toner:

2 Black	TN314K	AOD7131
1 Yellow	TN314Y	AOD7231
1 Magenta	TN314M	AOD7331
1 Cyan	TN314C	AOD7431
4. HP Laser Jet Toner:

2 Black	304A	CC530AD
1 Magenta	304A	CC533A
1 Yellow	304A	CC532A
5. Etherfast Cable/DSL Router LINKSYS Model BEFSR41/ver.3
SER# C2130CAG18269.

This surplus equipment and will be auctioned at an online auction with Auctions International, <http://www.auctionsinternational.com>, 11167 Big Tree Road, East Aurora, New York 14052 beginning April 4, 2019 and concluding on April 18, 2019.

Successful bidders must provide a payment of 100% of the bid price offered payable to the Town of Lancaster prior to taking possession of the equipment.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: Diane M. Terranova
Town Clerk

April 4, 2019

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

WHEREAS, Nova Site Company, LLC, 6 Lena Court, West Seneca, NY 14224, the contractor for the Town of Lancaster’s Highway Capital Improvements Project involving the Bridge & Culvert Improvements on Iroquois Avenue, Broezel Avenue, and Seneca Place has submitted Change Orders No. 5 in the amount of \$20,438.26 and No. 6 in the amount of \$69,782.53 to the Town Board for their approval, based on the description of work previously provided to the Town Board;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order Nos. 5 and 6 to **Nova Site Company, LLC**, with respect to the outlined descriptions provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. 5:

Perform work associated with winter shut down and spring mobilization as well as removal of temporary pavement, signage, and guiderail on Iroquois Avenue.

CHANGE ORDER NO. 5:

The original Contract Sum was	\$	741,051.32
The Contract Sum was increased by Change Order #1 in the amount of....	\$	7,365.42
The Contract Sum was increased by Change Order #2 in the amount of....	\$	2,074.56
The Contract Sum was increased by Change Order #3 in the amount of....	\$	11,813.96
The Contract Sum was increased by Change Order #4 in the amount of...	\$	20,900.00
The Contract Sum will be increased by this Change Order in the amount of....	\$	20,438.26
The new Contract Sum increased including this Change Order will be	\$	803,643.52

DESCRIPTION OF CHANGE ORDER NO. 6:

Rectification of material quantity overruns and underruns during construction (\$55,191.70). Installation of 148 LF of 12” HDPE storm sewer lines (\$12,472.95) and installation of 19 LF of 24” HDPE storm sewer lines (\$2,117.88).

CHANGE ORDER NO. 6:

The original Contract Sum was	\$	803,643.52
The Contract Sum will be increased by this Change Order in the amount of....	\$	69,782.53
The new Contract Sum increased including this Change Order will be	\$	873,426.05

, and

BE IT FURTHER,

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

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

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

April 1, 2019

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

WHEREAS, the Town of Lancaster has been awarded a \$135,000.00 grant through the Dormitory Authority of the State of New York (DASNY), State and Municipal Facilities Program, for the replacement of the Roof at the Town Highway Department Building, located at 525 Pavement Road, Lancaster, New York, and

WHEREAS, The Town Board has duly advertised for the submission of bids for the Town of Lancaster's Replacement of the Roof at the Town Highway Department Building project, and

WHEREAS, five (5) bids were received, opened and reviewed on March 21, 2019, and

WHEREAS, Highway Superintendent, Daniel Amatura, by letter dated March 25, 2019 has recommended that the contract for the roof replacement be awarded to J&B Installations, Inc., being the lowest responsible bidder, in the amount of \$148,800.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards a contract for the replacement of the Roof at the Town Highway Department Building, located at 525 Pavement Road to J&B Installations, Inc., 732 Visions Drive, Skaneateles Fall, New York 13153 in the amount of \$148,800.00 in conformance with the specifications on file in the office of Wm. Schutt & Associates, P.C., Town Engineer, and

BE IT FURTHER RESOLVED, that \$135,000.00 of the cost of the project will be funded by the State and Municipal Facilities Program through the DASNY grant and the \$13,800.00 balance will be paid for with funds available in the Town's 2019 General Fund budget, and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to execute this contract on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and insurance certificates by the Town Attorney's Office.

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

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

April 1, 2019

COMMUNICATIONS & REPORTS

198. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, Erie County DEP, Town of Lancaster Zoning Board of Appeals Chairman – Request for lead agency designation regarding Coordinated Review Candlewood Suites, 50 Freeman Road, Proj. #1819. Disposition = Planning Committee
199. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management, NYSDOT, Erie County DEP, Town of Lancaster Zoning Board of Appeals Chairman – Request for lead agency designation regarding PCB Piezotronics, 00 Walden Avenue, Proj. #2190. Disposition = Planning Committee
200. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Division of Sewerage Management, Erie County DEP – Request for lead agency designation regarding Coordinated Review, Advanced Thermal Solutions Expansion, 15 Enterprise Drive, Proj. #8392. Disposition = Planning Committee
201. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management, Erie County DEP, Erie County DPW – Request for lead agency designation regarding Preliminary Plat Siebert Rd. Subdivision, 185 Siebert Rd., Proj. #2018. Disposition = Planning Committee
202. Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Water Authority, Erie County Health Dept., Div. of Sewerage Management, Erie County DEP, Erie County DPW – Request for lead agency designation regarding 487 Erie Street, Warehouse Expansion, Proj. #0510. Disposition = Planning Committee
203. Daniel Amatura to Town Clerk – 30-Day Advance Notice regarding renewal of liquor license for Frank’s Grille, 5320 Broadway. Disposition = Received & Filed
204. Park Crew Chief to Planning Board and Town Council Members – No issues with Application for Amended Site Plan for 487 Erie Street, warehouse expansion, Proj. #0510. Disposition = Planning Committee
205. Park Crew Chief to Planning Board and Town Council Members – No issues with Amended Site Plan Review for Advanced Thermal Systems, 15 Enterprise Drive, Proj. #8392. Disposition = Planning Committee
206. Park Crew Chief to Planning Board and Town Council Members – No issues with Site Plan Review for Candlewood Suites, 50 Freeman Road, Proj. #1819. Disposition = Planning Committee
207. Park Crew Chief to Planning Board and Town Council Members – No issues with Preliminary Plat Plan for Siebert Rd. Subdivision, 185 Siebert Rd. Proj. #2018. Disposition = Planning Committee
208. U.S. Environmental Protection Agency to Supervisor – Information request and Administrative Compliance Order regarding Town of Lancaster Municipal Separate Storm Sewer System. Disposition = Town Engineer, Town Attorney & Code Enforcement Officer
209. Lancaster Volunteer Ambulance Corp to Town Clerk – February 2019 LVAC calls. Disposition = Received & Filed

210. **Town Engineer to Town Board –
Recommend approval of Change Orders #5 and #6 for Highway Capital Improvement Project Culvert #10, #11 & #12 Replacement.
Disposition = Resolution 4/1/19**
211. **Town Attorney to Town Board and Planning Board –
SEQR response from NYSDEC regarding Candlewood Suites, 50 Freeman Road, Proj. #1819. Disposition = Planning Committee**
212. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Water Authority regarding Candlewood Suites, 50 Freeman Road, Proj. #1819. Disposition = Planning Committee**
213. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Water Authority regarding PCB Piezotronics, 0 Walden Ave., Proj. #2190. Disposition = Planning Committee**
214. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Water Authority regarding Advanced Thermal Solutions, Proj. #8392. Disposition = Planning Committee**
215. **Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Health regarding Candlewood Suites, 50 Freeman Road, Proj. #1819. Disposition = Planning Committee**
216. **Melissa Janis to Town Board –
Concerns and opposition to the proposed subdivision at 185 Siebert Road.
Disposition = Planning Committee**
217. **Highway Superintendent to Director of Administration and Finance –
Request for bonding to replace needed equipment in the Town Highway Department. Disposition = For Resolution**
218. **Park Crew Chief to Town Board –
Information regarding Website for Recreation Programs.
Disposition = Received & Filed**
219. **Park Crew Chief to Town Board –
Request for resolution awarding the metal roof rehabilitation at Keysa Park Pool House and Meadow Lea Park Building to MGR Constructors, Inc., P.O. Box 61, Bowmansville, NY. Disposition = Resolution 4/1/19**
220. **Town Clerk to Code Enforcement Officer –
Copy of letter from Charles Giambrone requesting renewal of his Special Use Permit for Quad 4 Wheel Drive, Inc., 505 Erie St. Bldg. A.
Disposition = For Resolution**
221. **Town Clerk to Police Chief and Code Enforcement Officer –
Transmittal of Application for a Game Room License for Regal 16 Cinemas, 6707 Transit Road. Disposition = Resolution 4/1/19**
222. **Captain Laurienzo to Deputy Town Clerk –
Police Department has no objection to approval of Regal 16 Game Room Application. Disposition = Resolution 4/1/19**
223. **Highway Superintendent to Town Board –
Request for resolution authorizing replacement of the roof at the Town of Lancaster Highway Department by J&B Installations, 732 Visions Dr., Skaneateles Falls, NY. Disposition = Resolution 4/1/19**

224. **Markos Bahas to Supervisor –**
Information regarding proposed development at 5428 Genesee Street.
Disposition = Town Attorney, Town Engineer, Planning Committee, Code Enforcement Officer & Planning Board
225. **Highway Superintendent to Town Board –**
Request for resolution to deem listed equipment as surplus equipment.
Disposition = Resolution 4/1/19
226. **Highway Superintendent to Town Board –**
Request for resolution to deem listed equipment as surplus equipment.
Disposition = Resolution 4/1/19
227. **Park Crew Chief to Town Board –**
Request for resolution approving the concert series contracts that are tentatively scheduled to be held at the Band Shell located at 100 Oxford Avenue. Disposition = For Resolution
228. **Park Crew Chief to Supervisor and Town Board –**
Request for resolution appointing several individuals to the position of part-time temporary seasonal for the spring/summer season of 2019 in the Parks, Recreation & Forestry Dept. effective April 2, 2019.
Disposition = Resolution 4/1/19
229. **Park Crew Chief to Supervisor and Town Board –**
Request for resolution adjusting the rate of pay for Mark Lubera effective April 2, 2019. Disposition = Resolution 4/1/19
230. **Erie County Dept. of Environment & Planning to Supervisor –**
SEQR Solicitation for Lead Agency Status regarding Erie County Parks Master Plan Update adoption. Disposition = Town Engineer
231. **Supervising Code Enforcement Officer to Town Clerk –**
Approve issuance of Game Room License for Regal 16 Cinemas, 6707 Transit Rd. Disposition = Resolution 4/1/19
232. **Supervising Code Enforcement Officer to Town Board –**
Recommend renewal of Special Use Permit for Quad 4 Wheel Drive, Inc., 501 Erie St., Bldg. 505 Unit A. Disposition = For Resolution
233. **Police Chief to Town Clerk –**
Articles and communications. Disposition = Received & Filed
234. **Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building & Zoning Inspector –**
Draft copy of minutes from the March 20, 2019 Planning Board Meeting. Disposition = Planning Committee
235. **Planning Board to Town Board –**
Memo recommending approval of Site Plan Review for Niagara Lutheran Health System Daycare & Wellness Center, 5959 Broadway, Proj. #4163. Disposition = Resolution 4/1/19
236. **Town Attorney to Town Board and Planning Board –**
SEQR response from Buffalo District US Army Corps of Engineers regarding PCB Piezotronics, 0 Walden Avenue, Proj. #2190. Disposition = Planning Committee
237. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Division of Sewerage Management and Dept. of Environment & Planning regarding PCB Piezotronics, 0 Walden Avenue, Proj. #2190. Disposition = Planning Committee

- 238. Town Attorney to Town Board and Planning Board –
SEQR response from NYSDEC regarding Advanced Thermal Solutions,
15 Enterprise Drive, Proj. #8392. Disposition = Planning Committee**
- 239. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management and Dept.
of Environment & Planning regarding Advanced Thermal Solutions,
15 Enterprise Drive, Proj. #8392. Disposition = Planning Committee**
- 240. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Division of Sewerage Management and Dept.
of Environment & Planning regarding Candlewood Suites, 50 Freeman Road,
Proj. #1819. Disposition = Planning Committee**
- 241. Town Attorney to Town Board and Planning Board –
SEQR response from Buffalo District US Army Corps of Engineers regarding
Siebert Road Subdivision, 185 Siebert Road, Proj. #2018.
Disposition = Planning Committee**
- 242. Town Attorney to Town Board and Planning Board –
SEQR response from Erie County Dept. of Health regarding Siebert Road
Subdivision, 185 Siebert Road, Proj. #2018. Disposition = Planning Committee**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER GACZEWSKI AND SECONDED BY
COUNCIL MEMBER WALTER AND CARRIED,** the meeting was adjourned in memory
of Marie K. Gaca at 8:27 P.M.

Signed _____

Diane M. Terranova, Town Clerk