

Town Board Minutes

May 6, 2019

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of May 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: DONNA MARTIN, DEPUTY 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.
JOHN TROJANOWSKY, EXEC. DIRECTOR, YOUTH BUREAU

EXECUTIVE SESSION:

AT 8:36 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session for the purpose of having a discussion of an investigative matter of a criminal offense which would imperil law enforcement if disclosed.

At 9:15 P.M., the Town Board reconvened with all members present. The Deputy Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Christie, Don, spoke to the Town Board on the following matter:

- Comments and questions regarding Plumb Creek Patio Homes.

Ludwig, Jonathan, spoke to the Town Board on the following matter:

- Comments regarding the Dumping Permit at 195 Westwood Road.

Piel, Richard, spoke to the Town Board on the following matter:

- Commented on tree issues on his property.

Rinow, Al, spoke to the Town Board on the following matter:

- Comments regarding Windsor Ridge South Subdivision.

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

- Reported that a portion of Schwartz Road will be closing on May 7, 2019 and that the Job Fair at Depew Middle School on May 4th went well.

Schlager, Georgia, spoke to the Town Board on the following matter:

- Questions regarding creating a new position at the Parks & Recreation Department.

Travis, Sonny, spoke to the Town Board on the following matter:

- Comments and questions regarding Plumb Creek Patio Homes.

Werts, Margaret, spoke to the Town Board on the following matter:

- Comments about Windsor Ridge South Subdivision.

Zollitsch, Ken, spoke to the Town Board on the following matter:

- Comments regarding Windsor Ridge South Subdivision Site Plan.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Local Law Stormwater Control Requirements

ON MOTION BY COUNCIL MEMBER WALTER, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was opened.

At 7:19 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law to clarify Stormwater Control Requirements matter.

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

| NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT | Proponent/ Opponent/ Comments/Question |
|---|---|
| None | |

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER WALTER AND CARRIED, the public hearing was closed at 7:20 P.M.

Decision on this matter was reserved.

May 6, 2019

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 Local Law – Chapter 25

ON MOTION BY COUNCIL MEMBER GACZEWSKI, SECONDED BY COUNCIL MEMBER DICKMAN AND CARRIED, the public hearing was opened.

At 7:21 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law to amend Chapter 25 matter.

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

| NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT | Proponent/ Opponent/ Comments/Question |
|---|---|
| None | |

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER GACZEWSKI AND CARRIED, the public hearing was closed at 7:22 P.M.

Decision on this matter was reserved.

May 6, 2019

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held April 15, 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 | ABSTAINED |
| SUPERVISOR COLEMAN | VOTED YES |

* Council Member Walter was absent from the April 15, 2019 meeting.

May 6, 2019

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. 56545 to Claim No. 56725 Inclusive

Total amount hereby authorized to be paid: \$784,459.29

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 |

May 6, 2019

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 |
|-------|----|--------------------------------|------------------------|-----------------------|---------|
| 29439 | | DLM Conesus Lake Assoc.LLC | 60 Waltham Ave | Re-Roof | (V/L) |
| 29440 | | Reese & Renea Terrance | 237 Pavement Rd | Re-Roof | |
| 29441 | | Amy Michalek | 9 Parkdale Dr | Re-Roof | |
| 29442 | | Eric Breitwieser | 39 Chestnut Corner | Er. Pool-Abv Grnd | |
| 29443 | | Susan Weigand | 136 Belmont Ave | Er. Shed | |
| 29444 | | Race Storage Sheds LLC | 26 Hidden Meadow Cros | Er. Garage | |
| 29445 | | Justin Miller | 53 Wilkshire Pl | Er. Fence | (V/L) |
| 29446 | | Alden State Bank | 36 School St | Dumpster - Temp. | (V/L) |
| 29447 | | Fairways at Lancaster Holdings | 5354 Genesee St | Er. Sign - Wall | |
| 29448 | | CGL Contracting | 23 Beatrix Cir | Re-Roof | |
| 29449 | | Gregory Schober | 6389 Genesee St | Er. Fence | |
| 29450 | | Donald Wojtowicz | 12 Stony Brook Dr | Er. Fence | |
| 29451 | | D Allen & Son Contracting Inc. | 3710 Bowen Rd | Re-Roof | |
| 29452 | | Besroi Construction | 69 Chestnut Corner | Re-Roof | |
| 29453 | | Foreman Enterprises | 5849 Broadway | Re-Roof | |
| 29454 | | Besroi Construction | 34 Creekwood Dr | Re-Roof | |
| 29455 | | Besroi Construction | 20 Parkside Dr | Re-Roof | (V/L) |
| 29456 | | Besroi Construction | 25 Sawgrass Ln | Re-Roof | |
| 29457 | | Besroi Construction | 78 Sterling Pl | Re-Roof | |
| 29458 | | Besroi Construction | 383 Stony Rd | Re-Roof | |
| 29459 | | Pietras Builders Inc. | 4917 William St | Er. Comm. Add./Alt. | |
| 29460 | | Christopher Van Remmen | 176 Enchanted Forest S | Er. Shed | |
| 29461 | | Ronald Raff | 5 Forestream Dr | Er. Res. Alt. | |
| 29462 | | Superior Decks & Gazebos Inc. | 18 Katelyn Ln | Er. Deck | |
| 29463 | | Beauty Pools Inc. | 24 Worthington Ln | Er. Pool-In Grnd | |
| 29464 | | Riverside Door & Window Inc. | 40 Michael's Walk | Re-Roof | |
| 29465 | | Joshua Wroblewski | 5710 Broadway | Er. Fence | |
| 29466 | | Paul Schifferle | 7 Ryan St | Inst. Fireplace/Stove | |
| 29467 | | Swimco Manufacturing Inc. | 27 Weathersfield Ln | Er. Fence | |
| 29468 | | Swimco Manufacturing Inc. | 27 Weathersfield Ln | Er. Pool-In Grnd | |
| 29469 | | Swimco Manufacturing Inc. | 24 Magrum Ln | Er. Fence | |
| 29470 | | Swimco Manufacturing Inc. | 24 Magrum Ln | Er. Pool-In Grnd | |
| 29471 | | Christine Collins | 1183 Penora St | Er. Fence | |
| 29472 | | John Frank | 5 Ryan St | Er. Fence | |
| 29473 | | Nicholas Krafchak | 6060 Broadway | Er. Fence | |
| 29474 | | United Solar Panel | 51 Hillside Pky | Inst. Solar Panels | |
| 29475 | | Mister Pool Enterprises | 11 Sagebrush Ln | Er. Fence | |
| 29476 | | Mister Pool Enterprises | 11 Sagebrush Ln | Er. Pool-In Grnd | |
| 29477 | | Franks Commercial & Home | 44 Avian Way | Er. Res. Alt. | |
| 29478 | | Hannah Demolition Inc. | 125 Pleasant View Dr | Dem. Sin. Dwlg | |
| 29479 | | LBM Construction Inc. | 6681 Transit Rd | Er. Comm. Add./Alt. | |
| 29480 | | Joshua Strell | 5898 Broadway | Er. Sign - Temp | |
| 29481 | | Joani Higgins | 68 Middlebury Ln | Er. Pool-In Grnd | |
| 29482 | | Hometown Fire Protection | 5191 Broadway | Er. Res. Alt. | (V/L) |
| 29483 | | Michael Yearley | 19 Irwinwood Rd | Inst. Res. Plumbing | (V/L) |
| 29484 | | Solcius, LLC | 55 Banner Ave | Inst. Solar Panels | (V/L) |
| 29485 | | George Mackay | 54 Tomahawk Trl | Er. Pool-Abv Grnd | |
| 29486 | | David Szczesny | 28 Quail Hollow | Er. Shed | |
| 29487 | | HMC Home Improvements | 5140 William St | Re-Roof | |
| 29488 | | HMC Home Improvements | 259 Enchanted Forest N | Re-Roof | |
| 29489 | | Chad Robinson | 304 Broezel Ave | Er. Fence | |
| 29490 | | Luther Enterprises | 15 Worthington Ln | Er. Pool-In Grnd | |
| 29491 | | Luther Enterprises | 15 Worthington Ln | Er. Fence | |
| 29492 | | Luther Enterprises | 27 Sterling Pl | Er. Pool-In Grnd | |
| 29493 | | Luther Enterprises | 27 Sterling Pl | Er. Fence | |
| 29494 | | Joseph Valvo | 63S Irwinwood Rd | Er. Porch Cover | (V/L) |

| | | | | |
|-------|--------------------------------|----------------------|---------------------|-------|
| 29495 | Mulvey Construction Inc. | 165 Court St | Er. Comm. Add./Alt. | (V/L) |
| 29496 | HMP Builders | 606 Aurora St | Er. Pole Barn | |
| 29497 | Michael Oddo | 3530 Bowen Rd | Re-Roof | |
| 29498 | Swimco Manufacturing Inc. | 6389 Genesee St | Er. Pool-In Grnd | |
| 29499 | Paul Borkowski | 708 Ransom Rd | Er. Shed | |
| 29500 | Daniel Strohmenger | 118 Albert Dr | Er. Pergola | (V/L) |
| 29501 | Sahlems Roofing & Siding Inc. | 12 Schilling Ct | Re-Roof | |
| 29502 | Todd Coppola | 393 Aurora St | Re-Roof | (V/L) |
| 29503 | Andrew Gasiewicz | 28 Red Clover Ln | Re-Roof | |
| 29504 | Ivy Lea Construction Inc. | 48 Tranquility Trl | Er. Porch Cover | |
| 29505 | Buscaglia Decks | 28 Saybrook Dr | Er. Deck | |
| 29506 | Mark Stonebraker | 1928 Como Park Blvd | Er. Shed | (V/L) |
| 29507 | ABC Hardware & Rental Inc.. | 7 Creekwood Dr | Inst. Generator | |
| 29508 | Jason Roberts | 569 Erie St | Er. Fence | |
| 29509 | Kerry Rademacher | 17 Summerfield Dr | Er. Pool-Abv Grnd | |
| 29510 | Renee Ando | 2 Fox Trace | Er. Fence | |
| 29511 | Forbes Homes, Inc. | 39 Partridge Walk | Er. Dwlg.-Sin. | |
| 29512 | Buscaglia Decks | 2 Saybrook Dr | Er. Deck | |
| 29513 | Jeffrey Herendeen | 12 Rose Hill Cir | Er. Shed | |
| 29514 | Sahlems Roofing and Siding Inc | 4805 Transit Rd | Re-Roof | |
| 29515 | Superior Decks & Gazebo Inc. | 64 Nichter Rd | Er. Deck | |
| 29516 | Schuster Construction LLC | 31 Logan Ln | Er. Porch Cover | |
| 29517 | Marrano/Marc Equity Corp. | 7 Saybrook Dr | Er. Dwlg.-Sin. | |
| 29518 | Paul Grejszak | 13E Payne St | Re-Roof | (V/L) |
| 29519 | Graves Bros. Inc. | 180 St Marys St | Re-Roof | (V/L) |
| 29520 | All Starr WNY Inc. | 13 Plumb Creek Trl | Er. Fence | |
| 29521 | All Starr WNY Inc. | 81 Cambria St | Er. Fence | (V/L) |
| 29522 | Charlene Schiffler | 10 James Pl | Er. Fence | (V/L) |
| 29523 | William Falls | 5180 Genesee St | Er. Pool-Abv Grnd | |
| 29524 | Douglas Horn | 271 Schwartz Rd | Er. Pole Barn | |
| 29525 | Scott Sim Crumb | 25 Allen St | Er. Pool-Abv Grnd | (V/L) |
| 29526 | Scott Sim Crumb | 25 Allen St | Er. Fence | (V/L) |
| 29527 | Robert Schweizer | 13 Nottingham Ln | Er. Pool-Abv Grnd | |
| 29528 | Owl Homes of Fredonia | 4841 William St | Er. Deck | |
| 29529 | Castle Home Improvements | 51 Sussex Ln | Re-Roof | |
| 29530 | James Howe | 6310 Genesee St | Inst. Generator | |
| 29531 | K&M Development of Alden LLC | 185 Siebert Rd | Dem. Sin. Dwlg | |
| 29532 | James Cudzil | 8 Overton Ct | Er. Fence | |
| 29533 | CMK Builders of Alden, Inc. | 1432 Townline Rd | Er. Dwlg.-Sin. | |
| 29534 | Solcius, LLC | 8 Rollingwood Dr | Inst. Solar Panels | |
| 29535 | Stanley Convergent Security | 40 Embry Pl | Er. Comm. Add./Alt. | (V/L) |
| 29536 | James Dobmeier Trust | 217 Pleasant View Dr | Re-Roof | |
| 29537 | Five Star Roofing | 89 Country Pl | Re-Roof | |
| 29538 | Five Star Roofing | 126 Sixth Ave | Re-Roof | (V/L) |
| 29539 | CIR Electrical Construction | 19 Park Blvd | Inst. Solar Panels | (V/L) |
| 29540 | Concept Construction Corp. | 6687 Transit Rd | Er. Comm. Add./Alt. | |
| 29541 | Besroi Construction | 26 Petersbrook Cir | Re-Roof | |
| 29542 | Besroi Construction | 836 Townline Rd | Re-Roof | |
| 29543 | Gerald Hovey | 10 Bennington Ln | Er. Fence | |
| 29544 | Gregory Kwzczala | 76 Holland Ave | Er. Fence | (V/L) |
| 29545 | Sturdi Built Sheds | 633 Pavement Rd | Er. Shed | |
| 29546 | Darryl Davis | 695 Schwartz Rd | Er. Fence | |
| 29547 | Mark Drews | 546 Harris Hill Rd | Re-Roof | |
| 29548 | The Kaz Company | 11 Fox Trace | Re-Roof | |
| 29549 | Janet Bellanti | 57 Wayne St | Er. Fence | (V/L) |
| 29550 | Jeffrey Kelchlin | 15 Creekwood Dr | Er. Fence | |
| 29551 | Buffalo Roof Appeal LLC | 5 Sussex Ln | Re-Roof | |
| 29552 | Michael Kalinka | 10 Village View | Er. Pool-Abv Grnd | |
| 29553 | Paul Gburek | 64 Village View | Er. Shed | |
| 29554 | Megan Kaniewicz | 70 Irwinwood Rd | Er. Fence | (V/L) |
| 29555 | Signmatic Systems, Inc. | 3970 Walden Ave | Er. Sign | |
| 29556 | Wayne Karaszewski | 717 Pleasant View Dr | Re-Roof | |

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 |

May 6, 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 a +/- 8,200 S.F. warehouse expansion submitted by DK Greene Properties, Inc., 487 Erie Street, to include a concrete pad in front of the building on a +/- 3.8 acre parcel located at 487 Erie Street (SBL No. 105.00-5-47.11) in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQR regulations at their meeting on April 17, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the expansion 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 the +/- 8,200 S.F. warehouse building expansion with a concrete pad to be placed in front of the building located at 487 Erie Street (SBL No. 105.00-5-47.11) on a +/- 3.8 acre parcel, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

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

May 6, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 6, 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 +/- 8,200 S.F. warehouse building expansion with a concrete pad to be placed in front of the building located at 487 Erie Street (SBL No. 105.00-5-47.11) on a +/- 3.8 acre parcel submitted by DK Greene Properties, Inc.; and 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: 487 Erie Street Building Expansion - #0510

Location of Action: 487 Erie Street (SBL No. 105.00-5-47.11), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: An approximately 8,200 S.F. cold storage warehouse building expansion located at 487 Erie Street, a 3.8 acre parcel in the Town of Lancaster, New York. The work consists of the building expansion and a concrete pad located in front of the building.

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. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**
7. Will the proposed action impact existing:
 - a. public/private water supplies? **No impact.**
 - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **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 redevelopment of an existing hotel site consisting of the construction of a four-story, 101 room hotel to be known as Candlewood Suites, which includes demolition of the existing hotel on site submitted by 50 Freeman Road, LLC on a +/- 1.92 acre parcel located at 50 Freeman Road (SBL No. 82.03-1-49.3) 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 April 17, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the redevelopment 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 the redevelopment of an existing hotel site consisting of the construction of a four-story, 101 room hotel to be known as Candlewood Suites, which includes demolition of the existing hotel on site, located at 50 Freeman Road (SBL No. 82.03-1-49.3) a +/- 1.92 acre parcel, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

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

May 6, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 6, 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 redevelopment of an existing hotel site consisting of the construction of a four-story, 101 room hotel to be known as Candlewood Suites, which includes demolition of the existing hotel on site, located at 50 Freeman Road (SBL No. 82.03-1-49.3) on a +/- 1.92 acre parcel, to be known as Candlewood Suites; and 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: Candlewood Suites Hotel - #1819

Location of Action: 50 Freeman Road (SBL No. 82.03-1-49.3), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: The proposed redevelopment project consists of the construction of a four-story hotel with 101 rooms and related site improvements as depicted on the Site Plan [Drawing C-100] prepared by Carmina Wood Morris DPC. Construction activities also include demolition of the existing hotel on site and minor modifications to the existing parking lot. The Project Site is properly zoned GB for the proposed use. The redevelopment project requires area variances from the Zoning Board of Appeals and also requires Site Plan Approval. The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") since it does not cross any of the thresholds for a Type 1 Action per 6 NYCRR Part 617.4.

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. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**
7. Will the proposed action impact existing:
 - a. public/private water supplies? **No impact.**
 - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **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 Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2019 entitled “**Permit and Application Fees Revision**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Coleman on the 1st day of April, 2019, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on April 15, 2019, where all interested parties were allowed to address the proposed Local Law;

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

NOW, THEREFORE,

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

1. The attached Local Law No. 2 of 2019 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

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

May 6, 2019

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 2 OF THE YEAR 2019
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on May 6, 2019 Local Law No. 2 of the Year 2019, which amends Chapter 30. Permit and Application Fees of the Town Code of the Town of Lancaster, §30-20(B)(2) to include “private” improvement permits; and which is on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster’s website, <http://www.lancasterny.gov>.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 9, 2019

**Town of Lancaster
Local Law No. 2 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 WALTER, TO WIT:

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

WHEREAS, a proposed Local Law of the Year 2019 entitled “**Improvements, Public and Private**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Coleman on the 1st day of April, 2019, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on April 15, 2019, where all interested parties were allowed to address the proposed Local Law;

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

NOW, THEREFORE,

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

1. The attached Local Law No. 3 of 2019 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

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

May 6, 2019

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 3 OF THE YEAR 2019
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on May 6, 2019 Local Law No. 3 of the Year 2019, which repeals the current “Chapter 11. Construction of Public Improvements” within the Town of Lancaster’s Town Code and replaces it with the new “Chapter 11. Improvements, Public and Private”. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster’s website, <http://www.lancasterny.gov>.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 9, 2019

**Town of Lancaster
Local Law No. 3 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 RUFFINO, TO WIT:

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

WHEREAS, a proposed Local Law of the Year 2019 entitled “**FLOODPLAINS REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Supervisor Coleman on the 1st day of April, 2019, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on April 15, 2019, where all interested parties were allowed to address the proposed Local Law;

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

NOW, THEREFORE,

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

1. The attached Local Law No. 4 of 2019 is hereby adopted.
2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

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

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

May 6, 2019

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 4 OF THE YEAR 2019
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on May 6, 2019 Local Law No. 4 of the Year 2019, which 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 Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

May 9, 2019

**Town of Lancaster
Local Law No. 4 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; and 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 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 compensation 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 subgrades 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)**, Utilities.

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

WHEREAS, the Lancaster Rural Cemetery Association is seeking contribution for its operating expenses from the Town of Lancaster, and

WHEREAS, the Town Board previously reviewed this matter and has discovered that in the event that this not-for-profit organization ceases to exist, the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, which would place a significant financial burden on town taxpayers, and

WHEREAS, said funding was approved in the adopted 2019 Town of Lancaster budget in the sum of fifteen-thousand dollars (\$15,000.00), and

WHEREAS, by letter dated October 18, 2018 and received by the Town on April 1, 2019, the Lancaster Rural Cemetery Association has requested an allowance of seven-thousand, five-hundred dollars (\$7,500.00) be provided by the Town, and

WHEREAS, the Town Board deems it in the public interest to provide financial assistance to the Lancaster Rural Cemetery Association so that this not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town, and

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of seven-thousand, five-hundred dollars (\$7,500.00) to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the before-mentioned cemetery, with said funds being allocated from the Town's 2019 Cemeteries Budget, Line Item A8810.449.

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 |

May 6, 2019

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

WHEREAS, On December 31, 2015, the Town of Lancaster entered into an agreement with Palladian Health, LLC to provide an Employee Assistance Program to all full time Town employees, and

WHEREAS, On February 1, 2018 Palladian Health, LLC, was acquired by eviCore healthcare, and

WHEREAS, eviCore healthcare has agreed to honor the current contract benefit package the Town executed with Palladian Health, LLC and make no changes to its term or conditions;

NOW THEREFORE

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby agrees to have the Employee Assistance Program benefit available to all full-time Town of Lancaster employees now be provided through eviCore healthcare under the same terms and conditions of the previous agreement entered into on December 21, 2015 between the Town of Lancaster and Palladian Health, LLC.

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 |

May 6, 2019

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

WHEREAS, the Town Board is considering a 9,000 S.F. manufacturing/warehouse expansion submitted by Advanced Thermal Solutions, Inc., on a +/- 3.2 acre parcel located at 15 Enterprise Drive (SBL No. 105.00-3-4.1) in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this expansion project pursuant to SEQR regulations at their meeting on April 17, 2019 and recommended a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the expansion 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 the 9,000 S.F. expansion to the existing Advanced Thermal Solutions, Inc.’s manufacturing/warehouse facility located at 15 Enterprise Drive (SBL No. 105.00-3-4.1) on a +/- 3.2 acre parcel, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

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

May 6, 2019

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 6, 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 9,000 S.F. Advanced Thermal Solutions, Inc.'s manufacturing/warehouse expansion located at 15 Enterprise Drive (SBL No. 105.00-3-4.1) on a +/- 3.2 acre parcel; and the Town Board has determined that the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Advanced Thermal Solutions, Inc. – Building Expansion #0510

Location of Action: 15 Enterprise Drive (SBL No. 105.00-3-4.1), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: Proposed 9,000 square foot addition for the expansion of the existing Advanced Thermal Solutions' manufacturing/warehouse facility.

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. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **No impact.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**

7. Will the proposed action impact existing:
 - a. public/private water supplies? **No impact.**
 - b. public/private wastewater treatment utilities? **No impact.**
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **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 WALTER, TO WIT:

WHEREAS, the Town of Lancaster received an amended preliminary plan application (the “Amended Application”) from Windsor Ridge Partners, proposing the construction of Windsor Ridge South Phase 2 subdivision consisting of 195 +/- single family homes (the “Project”) on a ± 117 acre parcel to be located on property identified as SBL Nos. 1270.01-2-21, 127.01-3-16, 127.01-3-19, 127.01-3-20, 127.01-3-21.1 & 127.01-3-22 within the Town of Lancaster; and

WHEREAS, the Town Board of the Town of Lancaster (the “Town Board”) must comply with SEQRA and its implementing regulations at 6 N.Y.C.R.R. Part 617 in the review of the Amended Application for the Project; and

WHEREAS, the Town Board is the Lead Agency pursuant to SEQRA;
and

WHEREAS, the Town Board has determined that the Project is a “Type I” Action under SEQRA; and

WHEREAS, the Planning Board has reviewed the Amended Application for the Project and has recommended to the Town Board that the negative declaration previously issued for the Project on August 20, 2007, be rescinded pursuant to 6 NYCRR 617.7(f), based upon substantive Project changes, new information, and changes in circumstances related to the Project that were not previously considered, which may result in a significant adverse environmental impact; and

WHEREAS, the Town Board intends to evaluate whether the negative declaration for the Project should be rescinded and whether a positive declaration should be issued;

NOW, THEREFORE,

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

1. In accordance with 6 NYCRR 617.7(f)(2), the Town Attorney or Town Clerk’s office shall inform other involved agencies and the Project sponsor that the Town Board is considering the rescission of the negative declaration for the Project and the issuance of a positive declaration as per the Planning Board’s recommendation. This shall be accomplished by the mailing of this resolution and the Planning Board’s recommendation/minutes to the involved agencies and the Project sponsor through its designated agents.
2. All involved agencies and the Project sponsor shall have until May 15, 2019 at 4:00 PM to respond. Any responses shall be received in writing and delivered via e-mail to the Town Clerk [dterranova@lancasterny.gov] and Town Attorney [kloftus@lancasterny.gov].
3. This Resolution shall be 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 |

May 6, 2019

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

WHEREAS, by resolution adopted January 22, 2019, the Town of Lancaster authorized the Supervisor to execute the 2019 Youth Agreement to secure the NYS Office of Children and Family Services funds from the Erie County Department of Social Services for the operation of the Town of Lancaster's 2019 Youth Development Program, and

WHEREAS, by letter dated April 18, 2019 the Erie County Department of Social Services is amending the 2019 Youth Agreement (LYB 1508) to provide increased assistance to the Town of Lancaster Youth Bureau's Program in the amount of \$5,000.00, and

WHEREAS, John Trojanowsky, Youth Bureau Executive Director, has obtained all documents required by the County to secure the additional funding except for the executed 2019 Youth Agreement;

NOW, THEREFORE

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the 2019 Youth Agreement (LYB 1508) Amendment of Agreement to secure the additional \$5,000.00 funding from the Erie County Department of Social Services for the operation of the Town of Lancaster's 2019 Youth Development Program.

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 |

May 6, 2019

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

WHEREAS, Brian Whiteford & Suzie Gonzales, 760 Schwartz Road, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 760 Schwartz Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

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

WHEREAS, the Building Inspector and Town Engineer have completed their review of this application and by letter April 25, 2019 the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that Brian Whiteford & Suzie Gonzales 760 Schwartz Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 760 Schwartz Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

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

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

BE IT FURTHER

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

BE IT FURTHER

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

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

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

May 6, 2019

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

WHEREAS, Fairway Hills Development, LLC, 2730 Transit Road, West Seneca, New York 14224 has applied to the Town Board of the Town of Lancaster for a permit for Private Improvements upon real property in the Town of Lancaster within Summerfield Farms, Phase VIII, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the private improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 797 of Fairway Hills Development, LLC, 2730 Transit Road, West Seneca, New York 14224 which is a permit for Private Improvements for the installation of:

- Pavement and Curb, Storm Sewer, Water Line and Sidewalk

Henslow Way and Sedge Run: Installation of 1,918± LF of 24' wide asphaltic conc. pavement, 8" sub base no. 2 (NYSDOT 304.02), 4" base (NYSDOT 403.11) 2" dense binder type 3 (NYSDOT 403.13) 1" top type 7 (NYSDOT 403.18) and 3,173± LF of 24" concrete gutter curbs.

Henslow Way and Sedge Run: Installation of approx. 1,956± LF 8" PVC, 137± LF of 8" DIP, 8" RPZ hydrant assemblies – 3 ea., tees, valves, service connections and all other appurtenances for a complete installation.

Henslow Way and Sedge Run: Installation of approx. 325± LF of 30" HDPE; 466± LF of 18" PHDPE; 72± LF of 15" HDPE; 2,493± LF of 12" PHDPE; 133± LF of 12" HDPE; 212± LF of 15" PHDPE; 66± LF of 8" HDPE; 828± LF of 6" HDPE; storm manhole – 2ea, LD RVCR – 6ea., BY RCVR – 8ea., RVCR – 12ea.

Avian Way: Installation of approx. 325 LF of 5' wide sidewalk.

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 |

May 6, 2019

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

WHEREAS, Alliance Homes, 4727 Camp Road, Hamburg, New York 14075 has applied to the Town Board of the Town of Lancaster for a permit for Public Improvements upon real property in the Town of Lancaster within Autumnwood Subdivision, Phase I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE,

BE IT RESOLVED, that Public Improvement Permit Application No. 798 for Alliance Homes, 4727 Camp Road, Hamburg, New York 14075 which is a permit for Public Improvements for the installation of:

- Pavement & Curb, Storm Sewer, Water Line and Sidewalk

Kevwood Lane, Gailenwood Lane and Hickory Lane: Installation of 1,593± LF of 28' wide asphaltic conc. pavement, 12" sub base no. 2 (NYSDOT 304.03), 4" base (NYSDOT 403.11) 2½" dense binder type 3 (NYSDOT 403.13) 1½ top type 7F (NYSDOT 403.18) and 2,725± LF of 24" concrete gutter curbs.

Kevwood Lane, Gailenwood Lane and Hickory Lane: Installation of approx. 1,335± LF of 8" PVC, 208± LF of 8" DIP, tees, valves, service connections and all other appurtenances for a complete installation, 4 hydrants.

Bowen Road, Kevwood Lane and Gailenwood Lane: Installation of approx. 745± LF of 8" PVC; 1,159± LF of 12" HDPE; 49± LF of 12" PHDPE; 500± LF of 15" HDPE; 371± LF of 8" HDPE; 55± LF of 24" HDPE; 113± LF of 6" underdrain; 25± LF of 6" PVC; 51± LF of 6" HDPE; 374± LF of 15" PHDPE; storm manhole – 8ea, LD RCVR – 7ea., BY RCVR – 6ea., RCVR – 16ea., flow splitter – 1 ea., pretreatment chambers – 1ea., Outfall structure – 1ea., wet pond & bioretention area – 1ea.

Gailenwood Lane: Installation of approx. 334± LF of 5' wide sidewalk.

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 |

May 6, 2019

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

WHEREAS, the Town of Lancaster determined that it was in the best interests of the Town to continue an Assessment Equity Program; and

WHEREAS, the Annual Aid program was revised under Chapter 56 of the Laws of 2010, Part Y to amend section 1573 of the Real Property Tax Law to encourage the States' assistance program to encourage local governments to conduct reassessments and maintain real property assessments by updating the assessment rolls on a regular basis; and

WHEREAS, as a result of the amendment of Section 1573 of the Real Property Tax Law, the Annual Aid program was be replaced by the new Aid for Cyclical Reassessments (ACR). This program requires the municipality to maintain 100% of value, and requires a minimum four year plan, with re-appraisals conducted the first year and the last year of the Plan; and

WHEREAS, the Town has designed a 5 year plan with re-appraisals conducted in 2020 and 2024, and

WHEREAS, the Town of Lancaster will enter into an agreement with the New York State Office of Real Property Tax Services a Plan for Cyclical Reassessments via document number RP-1573-ACR-P (10/10) where the Town will receive up to \$5 per parcel in years 2020 and up to \$2 per parcel in years 2021, 2022, 2023; in 2024 the Town will conduct another unit wide revaluation project and will receive up to \$5 per parcel. The Town is allowed to withdraw or modify the agreement during the length of the agreement;

NOW THEREFORE,

BE IT RESOLVED, that Supervisor and other appropriate Town officials are hereby authorized and directed to execute the agreement upon its completion and to proceed with the implementation of all steps reasonably necessary and appropriate to implement the terms and conditions of said Agreement.

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 |

May 6, 2019

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

WHEREAS, William J. Karn, Jr., Police Chief of the Town of Lancaster, by memorandum to the Town Board dated April 16, 2019, has recommended the appointment of William Delano of Lancaster, New York, to the position of Police Officer, and

WHEREAS, William Delano is eligible for appointment to this position pursuant to the standards and procedures as set forth in the Civil Service Law.

NOW, THEREFORE,

BE IT RESOLVED, that William Delano, is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective June 3, 2019, contingent upon approval by Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

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

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

May 6, 2019

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning, Article VIII-Administration and Enforcement, Section 46, of the Code of the Town of Lancaster, upon the application of **Igor Los**, for a Special Use Permit for a three (3) bay truck repair shop and small office to be known as **Autowave, Inc.** (currently under construction), on premises located at 1035 Ransom Road, in the Town of Lancaster, New York, and the Board issued such Special Use Permit on May 15, 2017, which is subject to renewal biennially upon application by the property owner, and

WHEREAS, by letter dated **April 9, 2019**, **Tommaso Briatico, Architect, on behalf of Igor Los**, has requested that the Town Board renew the Special Use Permit for an additional two (2) year period, and

WHEREAS, the Code Enforcement Officer has recommended the approval of this Special Use Permit renewal in his letter dated April 25, 2019;

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

1. That pursuant to Chapter 50-Zoning, Article VI. Industrial District, Section 50-24(B)(a), entitled "Light Industrial District (LI)", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit Renewal to **Igor Los**, for **Autowave, Inc.** (currently under construction), for a three (3) bay truck repair shop and small office on premises located at 1035 Ransom Road in the Town of Lancaster, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning May 15, 2019 and ending May 14, 2021, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article VIII, Section 46, of the Code of the Town of Lancaster, and to any additional conditions listed herein namely:

- A. Must comply with Town Code Noise Ordinance.
- B. During construction vehicle storage is limited to four (4) trucks and eight (8) trailers only.
- C. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, on or before May 14, 2021.
- D. This Special Use Permit will be amended upon the issuance of a Certificate of Occupancy to indicate compliance with §50-24B (1)(a) of the Lancaster Town Code.
- E. Applicant to provide a copy of the business' New York State Tax/Federal Employer Identification Number and, where required, a copy of a valid State License issued by the appropriate regulatory agency for the service being provided.
- F. This Special Use Permit terminates when the applicant no longer owns the business.

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 |

May 6, 2019

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

WHEREAS, the property owner of 1432 Town Line Road has requested that the Town Board of the Town of Lancaster waive the requirement for the installment of sidewalks as stated in §12-1(B)(1) of the Town Code, and

WHEREAS, by letter dated April 25, 2019, Matt Fischione, Code Enforcement Officer, has recommended approval of this request in order to maintain consistency with the existing rural character of the area, and

WHEREAS, after reviewing the project and considering the opinion of the Code Enforcement Officer, the Town Board of the Town of Lancaster has determined this to be a reasonable request;

NOW, THEREFORE,
BE IT RESOLVED, the Town Board of the Town of Lancaster hereby exercises its right as stated in §12-1(B)(1) of the Town Code, and grants a waiver of the requirement for the installation of sidewalks along the street frontage for lot located at 1432 Town Line Road (SBL No. 95.00-2-73.211), within the Town of Lancaster and is conditioned as follows:

- This waiver is effective immediately and shall remain in effect so long as it's not prohibited by any Town, County, State or Federal law or regulation.

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 |

May 6, 2019

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

WHEREAS, the Town Board has previously duly advertised for bids 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 Capital Improvements bond resolution adopted May 16, 2016 was amended on November 19, 2018 for a maximum amount not to exceed \$7,000,000, and

WHEREAS, three (3) bids were received, opened and reviewed on April 24, 2019, and

WHEREAS, Wm. Schutt & Associates, the project's consulting engineer, by letter dated April 25, 2019, has recommended awarding the bid to 4th Generation Construction, Inc., being the lowest responsible bidder in the amount of \$981,000.00;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid 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) which will include adding two (2) new Fire Hydrants and replacing five (5) existing ones, to 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304, in the amount of \$981,000.00, being the lowest responsible bidder in conformance with the specifications on file in the Office of Wm. Schutt & Associates, and

BE IT FURTHER,
RESOLVED, that the Supervisor is authorized to execute the contract upon receipt and approval of the 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 |

May 6, 2019

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

WHEREAS, Daniel Amatura, Highway Superintendent of the Town of Lancaster, by letter dated April 24, 2019 has requested the purchase of **one (1) new and unused 84” Combination Bucket (part # 7167314)** for the use of the Highway Department, and

WHEREAS, this equipment is available under New York State Contract PC67141 Group 40625 Award No. PGB-22792, from State Contractor Clark Equipment Company, D/B/A/ Bobcat Company and Doosan Infracore Construction Equipment America, through NYS Authorized Reseller Bobcat of Buffalo, for a cost of \$3,556.80, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board deems it in the public interest to approve the purchase of the **one (1) new and unused 84” Combination Bucket (part # 7167314)** from Bobcat of Buffalo;

NOW, THEREFORE,
BE IT RESOLVED, as follows:

The Town Board of the Town of Lancaster hereby approves the purchase of **one (1) new and unused 84” Combination Bucket (part # 7167314)** from the 2019 State Clark Equipment Company, D/B/A/ Bobcat Company and Doosan Infracore Construction Equipment America, through NYS Authorized Reseller Bobcat of Buffalo, 6511 South Transit Road, Lockport, New York, 14094 under State Contract PC67141, Group 40625 Award No. PGB-22792, as proposed by the Town of Lancaster Highway Superintendent for a total cost not to exceed \$3,556.80, and which will be paid for with funds available the Town’s 2019 Highway Machinery Trucks and Related Equipment Budget, line item # 13-5130-0225.

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 |

May 6, 2019

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning Section 17 (F) of the Code of the Town of Lancaster, upon the application of **Lynette M. Metzger**, for a Special Use Permit for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, and the Board originally issued such Special Use Permit on May 15, 2006, this Special Use Permit is subject to renewal upon application by the property owner, and

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

WHEREAS, the Supervising Code Enforcement Officer has recommended his approval of this Special Use Permit Renewal by his letter dated April 29, 2019;

NOW THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Lynette M. Metzger-Truslow**, for a Home Occupation (Dog Grooming Service) on premises located at 33 Meadow Lea Drive, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning May 15, 2019 and ending May 14, 2021.

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Article IV, Section 17(F), of the Code of the Town of Lancaster and to any additional conditions listed herein, as long as the applicant continues to engage in the home occupation on the premises, namely:

- A. This Special Use Permit terminates when the applicant no longer resides on the premises.
- B. There shall be no outdoor sign advertising this business.
- C. Only persons residing on the premises shall be engaged in such an occupation.
- D. Permit must be renewed every two (2) years at no additional cost to the applicant. Renewal is considered upon the property owner submitting an application to the Town Clerk, **on or before May 14, 2021.**
- E. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.
- F. Applicant will obtain and provide a copy of the business' New York State Tax/Federal Employer Identification Number and, where required, a copy of a valid State License issued by the appropriate regulatory agency for the service being provided.

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 |

May 6, 2019

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, has requested the creation of one (1) new position of Assistant Park Crew Chief, in the Parks, Recreation, and Forestry Department.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create one (1) new position of Assistant Park Crew Chief, in the Parks, Recreation, and Forestry Department.

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 | NO |
| COUNCIL MEMBER WALTER | VOTED | NO |
| SUPERVISOR COLEMAN | VOTED | YES |

May 6, 2019

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

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letters dated April 30, 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> |
|--------------------------------|----------------------|------------------------------|---------------------------|
| Cole Laskowski Lancaster | Laborer | \$12.00 | May 7, 2019 |
| Kirsten Brady Cheektowaga | Recreation Attendant | \$11.50 | May 13, 2019 |
| Gabrielle Cumbo Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Emma Madison Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Skylar Merrell Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Jacob Murphy Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Mitch Rayno Depew | Recreation Attendant | \$11.50 | May 13, 2019 |
| Mark Stancampiano Lancaster | Recreation Attendant | \$12.00 | May 13, 2019 |
| Brooke Szymusiak Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Julia Taboni Depew | Recreation Attendant | \$11.50 | May 13, 2019 |
| Gillian Wittig Depew | Recreation Attendant | \$11.50 | May 13, 2019 |

| <u>NAME</u> | <u>POSITION</u> | <u>PAY RATE PER HOUR</u> | <u>EFFECTIVE DATE</u> |
|---------------------------------|----------------------|------------------------------|---------------------------|
| Danielle Masse Lancaster | Recreation Attendant | \$13.50 | May 7, 2019 |
| Lucas Maciejewski Lancaster | Recreation Attendant | \$13.50 | May 7, 2019 |
| Peyton Bulera Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Caitlyn Eleccko Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| McKenna Guari Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Jordan Leonard Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Natalie Lian Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Ryan Mansell Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Kylee McLaughlin Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Allie Opera Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Parker Rozler Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Victoria Ternowski Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Wyatt Watson Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Genevieve Zajac Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Sydney Zajac Lancaster | Recreation Attendant | \$11.50 | May 13, 2019 |
| Madeline Kamats Lancaster | Lifeguard | \$14.50 | May 7, 2019 |
| Devan Atkinson Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Matthew Banks Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Kiernan Coyne Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Josette Franzone Lancaster | Lifeguard | \$12.50 | May 13, 2019 |

| <u>NAME</u> | <u>POSITION</u> | <u>PAY RATE PER HOUR</u> | <u>EFFECTIVE DATE</u> |
|---------------------------------|-----------------|------------------------------|---------------------------|
| Berkeley Kozuch Depew | Lifeguard | \$12.50 | May 13, 2019 |
| Braden Kwasniewski Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Tyler Landahl Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Michaela Morgus Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Matthew Morgus Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Ellie Rotella Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Carolynn Steffens Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| James Wilkowski Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Robert Wilkowski Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Abriana Will Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Hanna Wozniak Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| James Zagarrio Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Mary Banks Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Anna D'Amore Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Patrick Dorsey Cheektowaga | Lifeguard | \$12.50 | May 13, 2019 |
| Lia Franzone Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Kirstin Heffler Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Cameron Heffler Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Molly Hewett Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Molly Mahony Lancaster | Lifeguard | \$12.50 | May 13, 2019 |

| <u>NAME</u> | <u>POSITION</u> | <u>PAY RATE PER HOUR</u> | <u>EFFECTIVE DATE</u> |
|----------------------------------|---------------------------|------------------------------|---------------------------|
| Kristen Morgus Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Konstantin Nikolov Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Alexis Petit Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Amelia Stack Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Michael Steffens Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Claire Wallace Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Katherine Wilkowski Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Madeline Wnuk Lancaster | Lifeguard | \$12.50 | May 13, 2019 |
| Lisa Fowler Lancaster, NY | Recreation Attendant | \$30.00 | June 1, 2019 |
| John Cook Lancaster, NY | Assistant Park Crew Chief | \$18.50 | May 7, 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 |

May 6, 2019

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

WHEREAS, Jean Karn, Dog Control Officer for the Town of Lancaster Dog Control Department, by letter dated April 30, 2019 has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the following part-time permanent position in the Town of Lancaster Dog Control Department, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

| <u>NAME</u> | <u>POSITION</u> | <u>PAY RATE PER HOUR</u> | <u>EFFECTIVE DATE</u> |
|------------------------------|---------------------|--------------------------|-----------------------|
| Craig Butler Lockport, NY | Dog Control Officer | \$13.00 | May 7, 2019 |

BE IT FURTHER,

RESOLVED, that this individual shall be compensated for any scheduled work shift for the actual number of hours worked but shall be compensated for any unscheduled call-in for the greater of four hours or the actual number of hours worked.

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 |

May 6, 2019

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

WHEREAS, George & Carrie Ludwig, 195 Westwood Road, Lancaster, New York 14086 has applied for a Dumping Permit for property situated on 195 Westwood Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

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

WHEREAS, the Building Inspector and Town Engineer have completed their review of this application and by letter May 1, 2019 the Building Inspector made a formal, favorable recommendation to the Town Board.

NOW, THEREFORE,

BE IT RESOLVED, that George & Carrie Ludwig 195 Westwood Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant situated on 195 Westwood Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

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

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

9. The source of fill is clean fill is local pool companies.

BE IT FURTHER

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

BE IT FURTHER

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

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

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

May 6, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GACZEWSKI WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER WALTER, 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-8 – Pavement Road and Stutzman Road, and

WHEREAS, the project consists of the replacement of approximately 12,000 linear feet of waterline on Pavement Road and Stutzman Road 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-8, 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 June 5, 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 |

May 6, 2019

TOWN OF LANCASTER
ERIE COUNTY, NEW YORK

CONSOLIDATED WATER DISTRICT
WATER SYSTEM IMPROVEMENTS
CONTRACT NO. TLN-8
PAVEMENT ROAD AND STUTZMAN ROAD

NOTICE TO BIDDERS

Please take notice that the Town of Lancaster, New York will receive sealed bids until 10:00 A.M. on the 5th day of June, 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 the CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-8 – PAVEMENT ROAD AND STUTZMAN ROAD. The Project consists of the replacement of approximately 12,000 linear feet of waterline on Pavement Road and Stutzman Road.

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 May 20, 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 - "TOWN OF LANCASTER, CONSOLIDATED WATER DISTRICT, WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-8, PAVEMENT ROAD AND STUTZMAN ROAD" 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
May 23, 2019

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, 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 “**Dogs revision” which will amend Chapter 13. Dogs, §13-6. Penalties for offenses, (B)(2),**” by amending the civil penalty for violations to match State regulations, 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 20th day of May 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 |

May 6, 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 May 6, 2019 , the said Town Board will hold a Public Hearing on the 20th day of May, 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 Code of the Town Lancaster DOGS Chapter, §13-6 Penalties for offenses (B)(2) to amend the civil penalty for violations to match State regulations. 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**

May 9, 2019

Town of Lancaster
Local Law No. ____ of 2019

A Local Law Amending the Town of Lancaster Civil Penalty for Dog Offenses.

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

Section 1: Chapter 13. Dogs, §13-6. Penalties for offenses (B)(2) of the Town of Lancaster Town Code is amended to read in its entirety as follows:

- (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty or not **less** than \$25, **however in the instance** that when the person is found to have violated this chapter within the preceding five years, the civil penalty may not be **less** than \$50, and where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may not be **less** than \$100.

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 DICKMAN, TO WIT:

WHEREAS, Michelle Barbaro, Park Crew Chief of the Parks Recreation & Forestry Department of the Town of Lancaster, has notified the Town Board that the motor in the police side AHU needs replacing and the Mitsubishi AC in the Radio Room needs repairing, both machines are located within the Town's Police Department, at 525 Pavement Road, and

WHEREAS, the Park Crew Chief has obtained quotes from Greater Niagara Mechanical, Inc., for replacing the Police Side AHU Motor and for repairing the Mitsubishi AC, at costs of \$3895.00 and \$1175.00, respectively, in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated April 22, 2019, the Park Crew Chief has recommended that the Town of Lancaster accept Greater Mechanical's quotes with funding for this project being available from the Town's 2019 Buildings, Miscellaneous Contractual Services Budget, line item 01-1620-0411;

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor, to accept the quotes dated April 10, 2019 (Quote #19-126 & 19-127), from Greater Niagara Mechanical, Inc., 7311 Ward Road, North Tonawanda, New York 14120, to replace the Motor in the Police Side AHU and to repair the Radio Room Mitsubishi AC located within the Town's Police Department, at 525 Pavement Road, for a total expenditure not to exceed \$5,070.00 which will be paid for with funds available from the Town's 2019 Buildings, Miscellaneous Contractual Services Budget, line item 01-1620-0411.

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 |

May 6, 2019

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

WHEREAS, Michelle Barbaro, Park Crew Chief, has requested that maintenance staining work be done on the Town's Youth Bureau exterior columns and the Band Shell, located at 100 Oxford Avenue in the Town of Lancaster, and

WHEREAS, the Park Crew Chief, solicited three (3) quotes for the staining project, and

WHEREAS, by letter dated April 22, 2019, the Park Crew Chief has recommended that the Town of Lancaster award the staining of the exterior columns of the Youth Bureau and the Band Shell to N. Choops Painting, Inc., in the amount of \$5,450.00 per their quote dated March 7, 2019, and

WHEREAS, funding for the staining project is available from the Town's 2019 Buildings, Misc. Contractual Services Budget, line item 01-1620-0411;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to accept the proposal for the staining of the Youth Bureau's exterior columns and the Band Shell, located at 100 Oxford Avenue, from N. Choops Painting, Inc., 4404 Walden Avenue, Lancaster, NY 14086, in accordance with their quote dated March 7, 2019 in the amount not to exceed \$5,450.00 which will be paid for with funds available from the Town's 2019 Buildings, Misc. Contractual Services Budget, line item 01-1620-0411.

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 |

May 6, 2019

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

WHEREAS, by resolution adopted on February 1, 2016, the Town of Lancaster entered into six (6) maintenance agreements with John W. Danforth Company, to provide maintenance services on the HVAC systems within the Highway Garage, Mental Health Center, Recreation Department, Senior Center, Town Hall and Youth Bureau, and

WHEREAS, the six (6) agreements with John W. Danforth Company expired according to their terms on February 28, 2019, and

WHEREAS, Town Engineer, Edward Schiller, obtained proposals from three (3) companies to provide semi-annual preventative maintenance to HVAC systems within the above Town facilities, and

WHEREAS, by letter dated April 24, 2019, Michelle Barbaro has requested that the Town enter into an agreement with Mollenberg-Betz, Inc., to provide semi-annual HVAC preventative maintenance to the following equipment within the above Town facilities for an annual cost of \$8,221.00 per their quote dated April 22, 2019 (#RS2019-046), which includes 7 units not covered under the previous Danforth agreements:

1. Air Cooled Condensing Units (5)
2. Domestic Water Heaters (3)
3. Gas Boilers (2)
4. Radiant Tube Heaters (9)
5. Rooftop Units (12)
6. Split Systems (5)
7. VRF Evaporators (22);

NOW THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the agreement with Mollenberg-Betz, Inc., 300 Scott Street, Buffalo, New York 14204, to provide necessary preventative maintenance on the aforementioned equipment within the various Town facilities for a cost not to exceed \$8,221.00,

BE IT FURTHER,

RESOLVED, that the contract will commence May 1, 2019 and terminate on April 30, 2020 and will be paid for with funds available from the Town's 2019 Buildings, Misc. Contractual Services Budget, line item 01-1620-0411.

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 |

May 6, 2019

COMMUNICATIONS & REPORTS

284. **Town Attorney to Town Board and Planning Board –**
SEQR responses from Erie County Dept. of Environment & Planning and Division of Sewerage Management regarding 487 Erie Street, Warehouse Building Exp., Proj. #0510. Disposition = Planning Committee
285. **Town Attorney to Town Board and Planning Board –**
SEQR response from Erie County Water Authority regarding 21 Pavement Road, 2,800 sf expansion & 150 sf foyer, Proj. #2010.
Disposition = Planning Committee
286. **Charter Communications to Supervisor –**
Information regarding upcoming changes. Disposition = Received & Filed
287. **Town Clerk to Code Enforcement Officer –**
Copy of letter requesting renewal of Special Use Permit for Autowave, Inc., 1035 Ransom Road. Disposition = Resolution 5/6/19
288. **Village of Lancaster Mayor to Supervisor –**
Request for Town to consider installing warning signs on Central Avenue north of Walden Avenue of the posted bridge heights to warn tractor trailer drivers heading south on Central Avenue.
Disposition = Highway Superintendent, Town Attorney & Legislator Brusio
289. **Park Crew Chief to Supervisor and Town Board –**
Information regarding Town of Lancaster Arbor Day Celebration at Westwood Park on Saturday, April 27, 2019. Disposition = Received & Filed
290. **Executive Dir. Depew-Lancaster Boys & Girls Club to Supervisor and Town Board –**
Request to hold the 42nd Annual Bob Giza 10K Race on Thursday, July 4, 2019, in the Village of Lancaster.
Disposition = Police Chief & Highway Superintendent
291. **National Center for Missing & Exploited Children to Town Clerk –**
Request for use of Town roads for the 13th Annual Ride for Missing Children on May 31, 2019. Disposition = Police Chief & Highway Superintendent
292. **Town Assessor to Supervisor and Town Board –**
Request for reappointment to the position of Assessor for the Town of Lancaster, which includes the Village of Lancaster and the Village of Depew.
Disposition = For Resolution
293. **Town Attorney to NYSDEC, Erie County Water Authority, Erie County Health Dept., Division of Sewerage Management, NYSDOT and Erie County DEP –**
Request for lead agency designation regarding Hull House Parking Lot, 0 Genesee Street, Proj. #1816. Disposition = Planning Committee
294. **Town Engineer to Town Board –**
Comments regarding review of Application of Dumping Permit for 760 Schwartz Road. Disposition = Resolution 5/6/19
295. **Town Clerk to Code Enforcement Officer –**
Copy of letter requesting renewal of Special Use Permit for Doggone Cute, 33 Meadow Lea Drive. Disposition = Resolution 5/6/19

296. **Bernard Kolber, DDS, Buffalo Dental Group LLP to Lancaster Town Board, Clarence Town Board, Amherst Town Board and Newstead Town Board -- Lancaster Town Supervisor, Clarence Town Supervisor, Amherst Town Supervisor and Newstead Town Supervisor --**
Request for Town Boards to take action to have the NYS Thruway Authority relocate the Williamsville toll barriers to the east, closer to Pembroke.
Disposition = Received & Filed
297. **Town Line Volunteer Fire Department, Inc. to Town Board –**
Invitation to join the Town Line Volunteer Fire Department in their annual “Community” Memorial Service on Monday, May 27, 2019.
Disposition = Received & Filed
298. **Charter Communications to Town Clerk --**
Information regarding upcoming changes. Disposition = Received & Filed
299. **Town Engineer to Town Board –**
Recommend awarding construction contract for the Water System Improvements Contract No. TLN-9A, Transit Road and Pleasant View Drive to 4th Generation Construction, pending concurrence from the Town Attorney.
Disposition = Resolution 5/6/19
300. **Code Enforcement Officer to Town Board –**
Recommend approval of Special Use Permit for Autowave Inc., 1035 Ransom Road; conditions noted. Disposition = Resolution 5/6/19
301. **Code Enforcement Officer to Town Board –**
Recommend issuance of Dumping Permit for 760 Schwartz Rd.; condition noted.
Disposition = Resolution 5/6/19
302. **Sean Hopkins, Esq. to Supervisor and Town Board –**
Request for Site Plan Approval for proposed Candlewood Suites Hotel at 50 Freeman Road be placed on the May 6, 2019 Town Board agenda.
Disposition = For Resolution
303. **Town Attorney to Town Board and Planning Board –**
SEQR response for NYSDEC regarding 21 Pavement Road, 2,800 sf expansion & 150 sf foyer, Proj. #2010. Disposition = Planning Committee
304. **Town Attorney to Town Board and Planning Board –**
SEQR response from NYSDEC regarding Hull House Parking Lot, 00 Genesee Street, Proj. #1816. Disposition = Planning Committee
305. **Code Enforcement Officer to Town Board –**
Information regarding request for Sidewalk Waiver at 1432 Town Line Road.
Disposition = Resolution 5/6/19
306. **Planning Board Chairman to Planning Board, Town Board, Town Engineer, Town Attorney, Highway Superintendent and Building Inspector --**
Draft copy of minutes from April 17, 2019 Planning Board meeting.
Disposition = Received & Filed
307. **Planning Board to Town Board –**
Memo recommending approval of Site Plan Review for 487 Erie Street; Proj. #0510. Disposition = For Resolution
308. **Planning Board to Town Board –**
Memo recommending approval of Site Plan Review for Advanced Thermal Solutions, Inc., 15 Enterprise Drive, Proj. #8392. Disposition = For Resolution
309. **Planning Board to Town Board –**
Memo recommending approval of Site Plan Review for Candlewood Suites, 50 Freedman Road, Proj. #1819. Disposition = For Resolution

310. VFW Post No. 7275 to Town Clerk –
 Invitation to participate in the Memorial Day Services and Parade on
 May 27, 2019. Disposition = Received & Filed
311. Park Crew Chief to Town Board –
 Request for resolution for repairs and replacements at the Police Station to
 be done by Greater Niagara Mechanical, Inc., 7311 Ward Road, North
 Tonawanda, NY 14120. Disposition = Resolution 5/6/19
312. Park Crew Chief to Town Board –
 Request for resolution to have N. Choops Painting, Inc., 4404 Walden Ave.,
 Lancaster, NY stain the front entrance columns and Band Shell at the
 Youth Bureau. Disposition = Resolution 5/6/19
313. Highway Superintendent to Town Board –
 Request for resolution to purchase one new and unused 84” Combination
 Bucket from Bobcat of Buffalo, 6511 South Transit Rd., Lockport NY.
 Disposition = Resolution 5/6/19
314. Park Crew Chief to Town Board –
 Request for resolution to enter into a service agreement for preventative
 maintenance for the testing and inspection of HVAC units at various Town
 facilities with Mollenberg-Betz, Inc., 300 Scott St., Buffalo, NY.
 Disposition = Resolution 5/6/19
315. Town Attorney to NYSDEC, NYSDOT, US Army Corp of Engineers, Division
 of Sewerage Management, Erie County Water Authority and Erie County DEP --
 Request for lead agency designation regarding Amended Preliminary Plat for
 3-Lot Subdivision, 6466 Broadway, Proj. #6268.
 Disposition = Planning Committee
316. Town Attorney to Town Board and Planning Board –
 SEQR response from Erie County Water Authority regarding Hull House
 Parking Lot, 00 Genesee St., Proj. #1816. Disposition = Planning Committee
317. Police Chief to Town Board –
 Request for resolution appointing William Delano to the position of Patrol
 Officer effective June 3, 2019. Disposition = Resolution 5/6/19
318. Supervising Code Enforcement Officer to Town Board –
 Recommend renewal of Special Use Permit for 33 Meadow Lea Drive,
 Lynette Metzger-Truslow, Doggone Cute. Disposition = Resolution 5/6/19
319. Town Clerk to Town Engineer and Building Inspector –
 Transmittal of Application for Dumping Permit for George & Carrie Ludwig,
 195 Westwood Road. Disposition = Resolution 5/6/19
320. Dog Control Officer to Town Board --
 Dog Control Report for April 2019. Disposition = Received & Filed
321. Town Engineer to Town Board –
 Information regarding Application for Dumping Permit, 195 Westwood Road.
 Disposition = Resolution 5/6/19
322. Code Enforcement Officer to Town Board –
 Recommend issuance of Dumping Permit for 195 Westwood Road; conditions
 noted. Disposition = Resolution 5/6/19
323. Town Attorney to Town Board and Planning Board –
 SEQR response from NYSDOT regarding Candlewood Suites, 50 Freeman
 Road, Proj. #1819. Disposition = Planning Committee

324. **Town Attorney to Town Board and Planning Board –
SEQR response from NYSDOT regarding PCB Piezotronics, 0 Walden Ave.
Proj. #2190. Disposition = Planning Committee**
325. **Town Attorney to Town Board and Planning Board –
SEQR response from NYSDOT regarding Advanced Thermal Systems,
15 Enterprise Drive, Proj. #8392. Disposition = Planning Committee**
326. **Park Crew Chief to Supervisor and Town Board –
Request for resolution appointing individuals to the position of part-time
temporary seasonal employee for the summer of 2019 in the Parks,
Recreation & Forestry Department, without benefits.
Disposition = Resolution 5/6/19**
327. **Park Crew Chief to Town Board –
Request for resolution to appoint John Cook to the position of part-time
Assistant Park Crew Chief in the Parks, Recreation and Forestry Department
effective May 7, 2019. Disposition = Resolution 5/6/19**
328. **Dog Control Officer to Supervisor and Town Board –
Request for resolution to appoint Craig Butler to the position of Dog Control
Officer, part-time in the Dog Control Department effective May 7, 2019.
Disposition = Resolution 5/6/19**
329. **Erie County Clerk to Supervisor –
Erie County Clerk’s Office Annual Report for 2018.
Disposition = Received & Filed**
330. **Town Clerk to Code Enforcement Officer –
Copy of letter from Tonya Bradford requesting renewal of her Special
Use Permit for Beautiful You, 30 Woodgate Drive. Disposition = For Resolution**
331. **Bernard Kolber, DDS, Buffalo Dental Group LLP to Lancaster Town
Supervisor, Clarence Town Supervisor, Amherst Town Supervisor and
Newstead Town Supervisor --
Request for Town Boards to take action to have the NYS Thruway Authority
relocate the Williamsville toll barriers to the east, closer to Pembroke.
Disposition = Received & Filed**
332. **Town Attorney to Town Board and Planning Board –
SEQR responses from Erie County Dept. of Sewerage Management, Erie
County Dept. of Environment & Planning and Erie County Dept. of Public
Works regarding 21 Pavement Road, 2,800 sf expansion & 150 sf foyer,
Proj. #2010. Disposition = Planning Committee**
333. **Town Attorney to NYSDEC, NYSDOT, Erie County DEP, Erie County
Water Authority, US Army Corps of Engineers, Erie County Health
Dept. and Division of Sewerage Management –
Request for lead agency designation regarding Coordinated Review Towne Audi,
21,000 SF Auto Dealership, Transit Rd. at Pasquale Dr., Proj. #1902.
Disposition = Planning Committee**
334. **Town Attorney to NYSDEC, Erie County DEP, Erie County Water Authority,
US Army Corps of Engineers, Erie County Health Dept. and Division of Sewerage
Management –
Request for lead agency designation regarding Coordinated Review 4,000 SF
Office/Warehouse, 10 Lancaster Parkway, Proj. #1956.
Disposition = Planning Committee**

- 335. Town Attorney to NYSDEC, Erie County DEP, Erie County Water Authority, US Army Corps of Engineers, Erie County Health Dept. and Division of Sewerage Management –
Request for lead agency designation regarding Coordinated Review 2-Lot Wainwright Ct. Preliminary Plat, 5 Wainwright Court, Proj. #2702.
Disposition = Planning Committee**
- 336. Erie County Dept. of Environment & Planning to Supervisor –
SEQR Notice of Determination of Non-Significance regarding Erie County Parks Master Plan Update adoption. Disposition = Received & Filed**
- 337. Town Clerk to Town Board –
Copy of second settlement payment to Erie County for 2019 Monthly County Settlement. Disposition = Received & Filed**

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER GACZEWSKI AND SECONDED BY
COUNCIL MEMBER DICKMAN AND CARRIED,** the meeting was adjourned in
memory of Catherine M. Flanagan, Michael J. Springer and Dixie Young at 9:16 P.M.

Signed _____

Donna M. Martin, Deputy Town Clerk