

Town Board Minutes

November 7, 2022

Meeting No. 21

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 7th day of November 2022 at 7:00 P.M. and there were

PRESENT: MARK BURKARD, COUNCIL MEMBER
ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
THOMAS FOWLER, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT
JOHN PILATO, HIGHWAY SUPERINTENDENT
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION:

AT 8:43 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER MAZUR, SECONDED BY COUNCIL MEMBER LEARY, for the purpose of entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation and a proposed pending or current litigation.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 9:23 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER BURKARD, to close the Executive Session.

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

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PERSONS ADDRESSING TOWN BOARD:

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

- Spoke about losing her dog and her treatment by an employee of the Town.

Harmon, Thomas, spoke to the Town Board on the following matters:

- Comments regarding increased traffic on Partridge Walk.
- Questioned developing a town park in his neighborhood.

Hartwig, Kelly, spoke to the Town Board on the following matter:

- Comments and questions regarding a new town park.

Lemaster, Kevin, spoke to the Town Board on the following matter:

- Recommended additional one or two microphones in the Board Room so that all voices are recorded.

Leonard, Michael, spoke to the Town Board on the following matters:

- Expressed his opposition to a new town park off Partridge Walk.
- Would like access to Aurora Street from Partridge Walk.

Mutignani, Candace, spoke to the Town Board on the following matter:

- Questions about speeding on Warner Road and what can be done.

Popiolkowski, Chester, spoke to the Town Board on the following matter:

- Thanked the Board for their commitment to (LVAC) Lancaster Volunteer Ambulance Corps.

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.: No. 1 – Rezone 5827 Broadway

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:05 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Rezone 5827 Broadway Street 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

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at 7:06 P.M.

Decision on this matter was reserved.

November 7, 2022

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.: No. 2 – Special Use Permit 4401
Walden Avenue

MOTION BY COUNCIL MEMBER BURKARD, SECONDED BY
COUNCIL MEMBER DICKMAN, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:06 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Special Use Permit Empire Custom Kitchen Cabinets – 4401 Walden Avenue 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
Justin White, Representing Petitioner	Proponent

MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL
MEMBER MAZUR AND CARRIED, to close the public hearing.

ALL IN FAVOR, MOTION CARRIED, the public hearing was closed at
7:08 P.M.

Decision on this matter was reserved.

November 7, 2022

PUBLIC HEARING SCHEDULED FOR 7:05 P.M.: No. 3 – Special Use Permit – 5841
Genesee Street

MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER LEARY, to open the public hearing.

ALL IN FAVOR, MOTION CARRIED the public hearing was opened.

At 7:08 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Special Use Permit 5841 Genesee Street – Donato Homes, Inc. 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

MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY
COUNCIL MEMBER LEARY AND CARRIED, to close the public hearing.

ALL IN FAVOR, ANY OPPOSED, MOTION CARRIED, the public
hearing was closed at 7:10 P.M.

Decision on this matter was reserved.

November 7, 2022

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
October 17, 2022 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

Check Run #11072022

Total amount hereby authorized to be paid: \$806,741.91

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

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

CODES:

- (SW) = Sidewalks as required by Chapter 310 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				
20228228		LJ Construction WNY LLC	5532 William St	Er. Dwlg.-Sin.
20228268		Maria Schiller	15 Candice Ct	Er. Fence
20228299		Shahrokh Khoshsohbat	14 Chestnut Corner	Er. Porch Cover
20228314		Marksman Fence Inc.	3 Hidden Trl	Er. Fence
20228381		NAS Quick Sign Inc.	6461 Transit Rd	Er. Signs
20228417		Jeff Klenke	621 Harris Hill Rd	Er. Res. Alt.
20228431		Severyn Dev. Inc.	24 Highland Pl	Er. Res. Alt. (V/L)
20228441		Buscaglia Decks	9 Henslow Way	Er. Deck
20228456		Ivy Lea Constuction Inc.	3 Liberty Ave	Er. Res. Alt. (V/L)
20228463		Daniel Coulter	18 Crabapple Ln	Er. Fence
20228471		Matthew Fuqua	51 Trentwood Trl N	Er. Res. Add.
20228475		Atlantic Garages	291 Ransom Rd	Er. Porch/Porch Cover
20228476		Sitzmans Appliance Center	21 Grafton Ct	Inst. Generator
20228489		Summers and Sons Construction	12 Worthington Ln	Er. Res. Alt.
20228492		Franks Commercial & Home	12 Hemlock Ln	Er. Res. Alt.
20228493		Esther Kieffer	78 Court St	Er. Fence (V/L)
20228495		Leanne Nava	188 Laverack Ave	Re-Roof (V/L)
20228496		Barbara Cardwell	68 First Ave	Re-Roof (V/L)
20228497		Hometeck Roofing & Remodel	42 N Aurora St	Re-Roof (V/L)
20228498		Joseph Titus	41 Middlebury Ln	Er. Shed
20228500		Alanerek Properites	142 Siebert Rd	Er. Res. Add.
20228502		Christine Basinski	26 Doris Ave	Er. Fence (V/L)
20228503		Buscaglia Decks	33 Mary Rachel Pl	Er. Deck
20228504		Besroi Construction	122-130 Central Ave	Re-Roof (V/L)
20228505		Besroi Construction	51 Schlemmer Rd	Re-Roof
20228506		Brian Sebastian	25 Country Pl	Er. Fence
20228507		Besroi Construction	29 Ann Marie Dr	Re-Roof
20228508		Klaus Roofing Systems of WNY	390 Stony Rd	Re-Roof
20228509		Solar Liberty Energy Systems	22 W Home Rd	Inst. Solar Panels
20228510		CIR Electrical Construction	22 Lakeside Cres	Inst. Solar Panels (V/L)
20228511		Try-Lock Roofing Co. Inc.	5226 Broadway	Re-Roof (V/L)
20228513		Michael Kozlowski	40 Cedar Brook Dr	Er. Fence
20228514		Keith Hillestad	107 Pheasant Run Ln	Er. Fence
20228515		Chanelle Ortez	99 Sixth Ave	Pod Storage – Temp(V/L)
20228516		Straight Line General Contrac.	4 Parkedge Dr	Er. Res. Alt.
20228517		Crist Construction	20 Carlisle St	Er. Porch/Porch Cover
20228518		CPR Custom Concrete	8 Park Walk	Er. Res. Add.
20228519		Eleanor Weig	69 Aurora St	Re-Roof (V/L)
20228520		H. Youngs Home Improvements	95 Irwinwood Rd	Re-Roof (V/L)
20228522		Solar Liberty Energy Systems 1	1052 Townline Rd	Inst. Solar Panels
20228523		Frank's Commercial & Home	3 Benson Dr	Inst. Res. Plumbing (V/L)
20228524		JLB Installations	6 Blackstone Ct	Er. Pool-In Grnd
20228525		LG Fence	6 Blackstone Ct	Er. Fence
20228526		Paul Bukowski	71 Gordon Ave	Inst. Generator (V/L)
20228527		JLB Installations	14 Candlestick Ct	Er. Pool-In Grnd
20228529		Rock Hard Fence	34 Briarwood Dr	Er. Fence (V/L)
20228530		Russell Wetter	65 Stony Brook Dr	Er. Fence
20228532		Ronald Adamczak	21 Doris Ave	Dem. Rear Struc. (V/L)
20228533		Thomas Witnauer	258 Warner Rd	Re-Roof

20228534	Collingwood Construction Corp.	5156 Genesee St	Re-Roof	
20228536	NEP Contracting, LLC	44 Bentley Cir	Er. Res. Alt.	
20228537	Douglas Chapman	65 Stony Rd	Er. Shed	
20228539	Suzanne Pionessa	5601 Broadway	Er. Fence	(V/L)
20228540	House Crafters LLC	21 Lenox Ave	Re-Roof	(V/L)
20228541	Expert Contracting	25 Parkdale Dr	Re-Roof	
20228542	Shamrock Contracting	230 Belmont St	Re-Roof	
20228543	Donald Hayes	133 Central Ave	Re-Roof	(V/L)
20228544	Crist Construction	10 Sedge Run	Er. Porch/Porch Cover	
20228545	Frank's Commercial & Home	82 Williamsburg Ln	Inst. Res. Plumbing	
20228546	ECC Electrical Construction	25 Spruceland Ter	Inst. Generator	
20228547	X-Press Signs Inc.	4885 Transit Rd	Er. Signs	
20228548	Marc Schifferle	23 Candice Ct	Er. Fence	
20228549	Five Star Roofing	566 Ransom Rd	Re-Roof	
20228550	Commercial Power Systems	36 Heritage Dr	Inst. Generator	
20228553	Frank's Commercial & Home	3475 Walden Ave	Er. Res. Alt.	(V/L)
20228554	JP Construction	76 Pleasant View Dr	Re-Roof	
20228555	Ryan Wood	18 Deepwood Pl	Er. Fence	
20228556	ECC Electrical Construction	12 Robinwood Ct	Inst. Generator	
20228557	Ivy Lea Construction Inc.	148 Slate Bottom Dr	Re-Roof	
20228558	City Fence	190 Enchanted Forest S	Er. Fence	
20228559	Castle Home Improvements	5745 Broadway	Re-Roof	
20228561	Zenner & Ritter Co. Inc.	4845 Transit Rd	Inst. Generator	
20228562	Forbes Homes, Inc.	41 Partridge Walk	Er. Res. Alt.	
20228566	Transit-William Associates	4931 Transit Rd	Er. Sign - Temp	
20228567	Hurricane Home Solutions	9 Henslow Way	Inst. Generator	
20228571	Forbes Homes, Inc.	31 Deepwood Pl	Er. Dwlg.-Sin.	
20228575	Harry Browder	46 Ivy Way	Dumpster - Temp.	(V/L)

NOW, THEREFORE,

BE IT 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has reviewed the 2023 Tentative Budget which was presented on October 17, 2022, and

WHEREAS, pursuant to New York State Town Law § 106 after review of the presented Tentative Budget by the Town Board any changes should be memorialized in writing via resolution and approved by a majority vote of the members of said Town Board, and

WHEREAS, Council Member Leary has reviewed the proposed 2023 Tentative Budget submitted by Supervisor Ruffino and is requesting the following change(s):

Page 10 –A 1670 Central Printing and Mailing

Line Item 403 – Printing and Advertising
Change amount to \$21,650.00

NOW, THEREFORE,

BE IT RESOLVED, that the aforementioned modification(s) to the 2023 Tentative Budget be permitted following its/their adoption.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has reviewed the 2023 Tentative Budget which was presented on October 17, 2022, and

WHEREAS, pursuant to New York State Town Law § 106 after review of the presented Tentative Budget by the Town Board any changes should be memorialized in writing via resolution and approved by a majority vote of the members of said Town Board, and

WHEREAS, Council Member Leary has reviewed the proposed 2023 Tentative Budget submitted by Supervisor Ruffino and is requesting the following change(s):

Page 11 –A 3510 Control of Dogs

Line Item 100 – Dog Control Officer
Change amount to \$114,061.00

Line Item 103 – Asst. Dog Control Officers
Change amount to \$10,399.00

Page 11-A 3510 Control of Dogs

Line Item 103 – Asst. Dog Control Officers
Change amount to \$20,399.00

NOW, THEREFORE,

BE IT RESOLVED, that the aforementioned modification(s) to the 2023 Tentative Budget be permitted following its/their adoption.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	NO

November 7, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has reviewed the 2023 Tentative Budget which was presented on October 17, 2022, and

WHEREAS, pursuant to New York State Town Law § 106 after review of the presented Tentative Budget by the Town Board any changes should be memorialized in writing via resolution and approved by a majority vote of the members of said Town Board, and

WHEREAS, Council Member Leary has reviewed the proposed 2023 Tentative Budget submitted by Supervisor Ruffino and is requesting the following change(s):

Page 26 –A 3120 Police

Line Item 100 – Captains (2)

Change number of Captains to (3)

NOW, THEREFORE,

BE IT RESOLVED, that the aforementioned modification(s) to the 2023 Tentative Budget be permitted following its/their adoption.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	NO

November 7, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has considered and reviewed the 2023 budget estimates and assessment roll for Special Districts spreading the costs on a benefit basis, and

WHEREAS, a public hearing on said 2023 Special Districts Budget estimates and assessment roll was held by the Town Board of the Town of Lancaster on October 17, 2022.

NOW, THEREFORE,

BE IT RESOLVED, that the 2023 budget estimates and assessment roll for Special Districts, spreading costs on a benefit basis, as filed with the Town Clerk on September 15, 2022 be and are hereby adopted as the Final 2023 Budget for Special Districts for the Town of Lancaster for the fiscal year beginning on January 1, 2023 and ending December 31, 2023, and that such Budget, as adopted, and as summarized below, be entered in detail in the minutes of the proceedings of this Town Board.

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED RESERVE	AMOUNT TO BE RAISED BY TAXATION
Refuse District	2,668,872	41,800	-	-	2,627,072
Lighting Districts	274,587	2,000	-	-	272,587
Fire Protection District	4,132,368	7,600	-	-	4,124,768
Water Districts	<u>1,178,702</u>	<u>11,650</u>	<u>100,000</u>	<u>100,000</u>	<u>967,052</u>
Subtotal-Special Districts	8,254,529	63,050	100,000	100,000	7,991,479

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town Board of the Town of Lancaster has reviewed the 2023 Preliminary Town Budget, and

WHEREAS, a public hearing on said 2023 Preliminary Town Budget was held by the Town Board of the Town of Lancaster on October 17, 2022.

NOW, THEREFORE,
BE IT RESOLVED, as follows:

Section 1. That the 2023 Preliminary Budget, as modified as shown on Schedule A, be and is hereby adopted as the 2023 Final Budget of the Town of Lancaster for the fiscal year beginning on January 1, 2023 and ending December 31, 2023, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED RESERVE	AMOUNT TO BE RAISED BY TAXATION
General Fund -Townwide	\$11,408,927	\$2,485,371	\$500,000	\$50,000	\$8,373,556
General Fund -					
Town Outside Villages	1,400,704	1,084,295	60,000	--	256,409
Police Fund	12,783,781	7,887,194	500,000	--	4,396,587
Highway Fund -Townwide	817,557	19,794	175,000	-	622,763
Highway Fund -					
Town Outside Villages	5,238,530	520,542	500,000	200,000	4,017,988
Misc. Special Revenue-					
Tree Planting Fee	20,000	32,000	-	--	--
Misc. Special Revenue-					
Police Asset Forfeitures	17,700	50,750	-	--	--
Misc. Special Revenue-					
Recreation Filing Fee	135,000	101,600	33,400	--	--
Misc. Special Revenue-					
Memorial Garden Fund	3,000	1,200	1,800	--	--
Subtotal-General Budget	31,825,199	12,182,746	1,770,200	250,000	17,667,303
Other Items:					
Delinquent Water Bills - Erie County Water Authority					1,808.00
Property Cleanup Charges					830.00
Grand Total					\$17,669,941.00

Section 2. That the Town Clerk of the Town of Lancaster prepare and certify in duplicate copies of said Annual 2023 Budget, as adopted by the Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-A of the Town Law and deliver one (1) copy thereof to the Supervisor.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	NO

November 7, 2022

Schedule A

			Amount in Preliminary Budget	Amended Preliminary Budget	Adjustment
ADJUSTMENTS - GENERAL FUND - TOWNWIDE					
APPROPRIATIONS:					
Acct. No.	Department	Item			
	Central				
1670.403	Printing & Mailing	Printing & Advertising	18,650	21,650	3,000
3510.100	Dog Control	Salaries	84,524	114,062	29,538
3510.103	Dog Control PT	Wages	39,936	10,339	(29,597)
3510.103	Dog Control PT	Wages	10,339	20,339	10,000
Total Net General Fund - Townwide Appropriations Adjustment					12,941
 POLICE FUND					
APPROPRIATIONS:					
Acct. No.	Department	Item			
	Police				
3120.100	Captains (3)	Salaries	242,228	357,228	115,000
Total Net Police Fund - Adjustment					115,000
 Total Adjustments to the Preliminary Budget					127,941

TOWN OF LANCASTER
NOTICE OF ADOPTION OF
2023 BUDGET OF THE
TOWN OF LANCASTER

NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lancaster has adopted the 2023 Budget of the Town of Lancaster, which includes a summary of the entire proposed 2023 Budget of the Town of Lancaster, and that said Budget is on file with the Town Clerk, 21 Central Avenue, Lancaster, New York, and available for public inspection from 8:00 A.M. TO 4:00 P.M. on Monday through Friday.

TOWN OF LANCASTER

DIANE M. TERRANOVA
Town Clerk

November 7, 2022

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

WHEREAS, by email dated October 17, 2022, William J. Karn, Jr., Town of Lancaster's Chief of Police, has requested that the Town Board accept a monetary donation of One-hundred dollars (\$100.00) from a source that wishes to remain anonymous in gratitude for the Police Department's service to the community, and

WHEREAS, after due consideration, the Town Board of the Town of Lancaster finds that it is appropriate to accept this benevolent donation as offered.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the monetary donation from an anonymous source of \$100.00 in support of the Town of Lancaster Police Department and that said donation shall be deposited into the Town's 2022 Public Safety, Police General Fund.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, William J. Karn, Jr., Police Chief of the Town of Lancaster, by letter to the Town Board dated October 27, 2022, has recommended the appointment of Bryan Kross of Lancaster, New York, to the position of Police Officer, and

WHEREAS, Bryan Kross 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 Bryan Kross, is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective November 22, 2022, 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused **2022 Ford Escape SE Four Wheel Drive**, for the use by the Building Department, and

WHEREAS, one bid was received, opened and reviewed on October 27, 2022, and

WHEREAS, by letter dated October 27, 2022, Code Enforcement Officer Matt Fischione, has recommended awarding the bid for the **2022 Ford Escape SE Four Wheel Drive**, to DeLacy Ford, 3061 Transit Road, Elma, New York, being the sole responsible bidder in the amount of \$31,605.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of Matt Fischione, Code Enforcement Officer, hereby awards the bid for one (1) new and unused **2022 Ford Escape SE Four Wheel Drive**, to DeLacy Ford, 3061 Transit Road, Elma, New York, for use by the Building Department as it conforms to the specifications on file in the office of the Town Clerk for a total amount not to exceed \$31,605.00 and which will be paid for with funds available in the 2022 Safety Inspection Budget Line Item 02-3620-220 (Passenger Vehicles).

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, Delta-Sonic Carwash Systems, Inc, has offered to donate to the Town's Police Department, fiberglass grating to be used to cover the drains in the police sallyport garage, located at 525 Pavement Road, and

WHEREAS, by email dated October 31, 2022 William J. Karn, Jr., Town of Lancaster's Chief of Police, has requested that the Town Board accept the donation valued at not more than approximately \$300.00 to be installed by the Town's Buildings and Grounds Maintenance staff, and

WHEREAS, after due review and consideration, the Town Board of the Town of Lancaster finds that it is appropriate to accept this benevolent donation as offered.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the offer of Delta-Sonic Carwash Systems, Inc., to donate fiberglass grating to be used to cover the drains in the police sallyport garage, located at 525 Pavement Road, and which will be installed by the Town's Buildings and Grounds Maintenance staff.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, Jeffrey Kirisits, owner of real property located at 16 Birchwood Common (SBL No. 93.14-1-29), Lancaster, New York, has submitted an application for a Special Use Permit for a Home Occupation (Ace Sealing Company, Inc. Office) in accordance with the provisions of Chapter 400 Zoning, Article IV Residential Districts, §400-16(F) Supplementary regulations for A-R, R, and MFMU districts, Home Occupations of the Code of the Town of Lancaster, and

WHEREAS, Chapter 400-Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits, of the Code of the Town of Lancaster requires the issuance of a Special Use Permit and a public hearing for the proposed use.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

That pursuant to Chapter 400 Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Home Occupation (Ace Sealing Company, Inc. Office) Special Use Permit Application of **Jeffrey Kirisits**, owner of real property located at 16 Birchwood Common (SBL No. 93.14-1-29), will be held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of November 2022 at 7:05 o'clock P.M. Local Time, and said notice of the time and place of such hearing shall be published in a newspaper of general circulation in said Town, and posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

**LEGAL NOTICE
TOWN OF LANCASTER**

PUBLIC HEARING

SPECIAL USE PERMIT – JEFFREY KIRISITS

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Article XIV Administration and Enforcement, §400-78 Special use permits of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of November, 2022 the Town Board will hold a Public Hearing on the **21st day of November, 2022 at 7:05 o'clock P.M.**, Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of **Jeffrey Kirisits**, for a Special Use Permit for a Home Occupation (Ace Sealing Company, Inc. Office) on premises locally known as 16 Birchwood Common (SBL No. 93.14-1-29, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all parties in interest.

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

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

November 10, 2022

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

WHEREAS, the Town Board of the Town of Lancaster previously advertised for bids to replace the Police Building (Public Safety Building) Flooring, located at 525 Pavement Road in the Town of Lancaster, and

WHEREAS, two (2) bids were received, opened and reviewed on October 13, 2022, and

WHEREAS, by letter dated October 27, 2022, Consulting Town Engineer, Edward Schiller has requested that the Town Board reject the lowest bidder for non-compliance to the bid submittal requirements, and recommended awarding the contract to Allied Flooring Contractors, Inc., being the lowest responsible bidder in the amount of \$70,000.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid To replace the Police Building (Public Safety Building) Flooring, located at 525 Pavement Road in the Town of Lancaster to Allied Flooring Contractors, Inc., 2323 Elmwood Ave Kenmore, New York, in the amount of \$70,000.00 being the lowest responsible bidder in conformance with the specifications on file at the offices of Wm. Schutt Associates, the Town's Consulting Engineer, and will be paid for with funds available in Capital Project Number 222 (Line item 90222.400).

BE IT FURTHER,

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

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent of the Town of Lancaster, by letter dated November 1, 2022 has recommended the appointment of the following individuals to the following part-time permanent positions in the Town of Lancaster Parks, Recreation & Forestry Department.

NOW, THEREFORE,

BE IT RESOLVED, that the following individuals are hereby appointed to the following part-time permanent positions in the Parks, Recreation & Forestry Department of the Town of Lancaster, working not more than nineteen hours per week, and that these being part-time positions, provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees:

NAME	ADDRESS	POSITION	HOURLY RATE	EFFECTIVE DATE
Dennis Radecki	Depew, NY	Recreation Attendant	\$14.00	November 29 ,2022
Brandon Becker	Lancaster, NY	Recreation Attendant	\$14.00	December 5, 2022
Christopher Giza	Lancaster, NY	Recreation Attendant	\$14.00	December 5, 2022
Carson Alberti	Depew, NY	Recreation Attendant	\$14.00	December 5, 2022
Myles Gronowski	Lancaster, NY	Recreation Attendant	\$14.00	December 5, 2022
Troy Ferris	Buffalo, NY	Recreation Attendant	\$14.00	December 5, 2022

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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, John Pilato, Highway Superintendent of the Town of Lancaster, by letter dated October 31, 2022, has appointed James Walsh II to the position of Laborer – Highways in the Town of Lancaster Highway Department, pursuant to New York State Highway Law.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby recognizes the appointment of James Walsh II of Lancaster, New York to the position of Laborer – Highways in the Town of Lancaster Highway Department effective November 1, 2022, 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 CSEA Blue Collar Union 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster is proposing to amend Chapter 400 Zoning, Article VIII Regulation Applying to All Districts, Section 38 Subdivision, by amending subsection § 400-38(H)(4)(d),(5)(f),(8); and adding subsections § 400-38(H)(9) Model Home Permits and (H)(10) Building Permits to the Town of Lancaster's Town Code, and

WHEREAS, the Town of Lancaster Planning Board has reviewed proposed Local Law at their meeting on October 19, 2022, and recommended that it be adopted, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required prior to adopting a 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 of the year 2022, which will amend Planning Board Approval requirements, set a timeframe for approval extension requests, and add requirements for Model Home Permits and Building Permits by amending Chapter 400 Zoning, Article VIII Regulation Applying to All Districts, Section 38 Subdivision, by amending subsection § 400-38(H)(4)(d),(5)(f),(8); and adding subsections § 400-38(H)(9), and(H)(10) will be held at 7:05 o'clock P.M. on the 21st day of November 2022, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the Time and Place be published in the official newspaper of the Town, and
2. The Town Clerk is hereby directed and authorized to publish public notice of said hearing in the official newspaper and given in accordance with the Municipal Home Rule Law, the Open Meetings Law, and Sections 264 and 265 of the Town Law of the State of New York, and which Notice shall be in the form attached hereto and made a part hereof, and
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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

PUBLIC HEARING

Legal Notice

TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on November 7, 2022, the Town Board will hold a Public Hearing on the 21st day of November, 2022 at 7:05 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 of Chapter 400 Zoning, Article VIII Regulation Applying to All Districts, Section 38 Subdivision, by amending subsection § 400-38(H)(4)(d),(5)(f),(8); and adding subsections § 400-38(H)(9) Model Home Permits and (H)(10) Building Permits.

Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

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

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

November 10, 2022

**Town of Lancaster
Local Law No. of 2022**

A Local Law Amending Subsection § 400-38(H)(4)(d) Approval of Minor Subdivision, Planning Board recommendation, (5)(f) Approval of preliminary plat of Major Subdivision, (8) Filing of a Final Plat; and adding (9) Model Homes and (10) Building Permits to the Town Code of the Town of Lancaster

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

Section 1. Subsection 400-38(H)(4)(d) Approval of a minor subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (d) Planning Board recommendation. Upon receipt of the application fee, the Town Clerk shall so notify the Planning Board and the Planning Board shall, within 45 days or thereafter, review the proposed minor subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review** (SEQR). Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall make its recommendations to the Town Board to modify, modify and approve, or disapprove the proposed minor subdivision. If a SWPPP was submitted pursuant to § 400-38H of this chapter, the Planning Board shall not recommend approval of the minor subdivision plat unless the SWPPP and plat comply with the performance and design criteria and standards set forth in Chapter 300, Stormwater Management and Erosion and sediment control, and § 400-71, Stormwater pollution prevention plans, of the Town Code. Stormwater pollution prevention plans. The Planning Board and/or the Town Board may require, however, when it is deemed necessary for protection of the public health, safety, and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the Planning Board should require that the proposed minor subdivision comply with all or some of the requirements specified for major subdivisions, it shall so state in its recommendation to the Town Board. The recommendation of approval of the plat, subject to conditions, revisions and modifications as stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 2. Subsection 400-38(H)(5)(f) Approval of preliminary plat of a major subdivision of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (f) Planning Board recommendation. the Planning Board and the Planning Board shall, within 60 days or thereafter, of its receipt of the preliminary plat, review the proposed major subdivision and provide comments; within sixty-two (62) days or thereafter upon receipt of a complete application (including all requested amendments), the Planning Board shall hold a public hearing and conduct a **State Environmental Quality Review** (SEQR). Upon a Negative or Positive Declaration and any necessary Variances being granted, the Planning Board shall forward the plat to the Town Board with its recommendations to modify, modify and approve, or disapprove the proposed preliminary plat. If a SWPPP was submitted pursuant to § 400-38H of this chapter, the Planning Board shall not recommend approval of the preliminary plat unless the SWPPP and preliminary plat comply with the performance and design criteria and standards set forth in Chapter 300, Stormwater Management and Erosion and sediment control, and § 400-71, Stormwater pollution prevention plans, of the Town Code. The recommendation of approval of the preliminary plat, subject to conditions, revisions and modifications as

stipulated by the Planning Board, shall not constitute Town Board approval of the subdivision, but rather, the Town Board shall be the sole authority to grant such approval.

Section 3. **Subsection 400-38(H)(8)** of Chapter 400 of Article VIII of the Town Code is hereby amended to read in its entirety as follows:

- (8) Filing of final plat. Upon completion of the requirements above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the Town Clerk and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of failure of the Town Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the Town Board to grant an extension which shall not exceed two (2) additional periods of 90 days. **Such an extension must be applied for in writing to the Town Board within thirty (30) days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.**

Section 4. **Subsection 400-38 (H)(9)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (9) **Model Home Permits:** For the purpose of allowing the early construction of model homes in a subdivision, subsequent to the filing of final plat with the Erie County Clerk, but prior to the full completion and acceptance of streets or highways giving access to the proposed structures(s). The Town Board may, by resolution, approve the issuance of a building permit for a model home. It may do so if it finds, after receiving recommendations from the Town Engineer and the Code Enforcement Officer, that such improvements have been made as are adequate in respect to the public health, safety, and general welfare. "Adequate" improvements shall generally mean that water lines and hydrants and sanitary sewers are available and that there is sufficient access provided for emergency vehicles. Similarly, the Code Enforcement Officer may issue a temporary certificate of occupancy for the purpose of display where adequacy of improvements is shown.

Section 5. **Subsection 400-38 (H)(10)** of Chapter 400 of Article VII of the Town Code is hereby added to read in its entirety as follows:

- (10) **Building Permits:** No building permits, other than those for a model home, as regulated in § 400-38(H)(9), shall be issued unless and until all improvements are installed and accepted by the Town Board as indicated in the Final plat; and the Final plat has been recorded in the Office of the Erie County Clerk.

Section 6. **Severability Clause.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 7. **Effective Date.** This local law shall be effective immediately upon filing with the New York Secretary of State.

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

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster is proposing to amend Chapter 400 Zoning, Article XIV Administration and Enforcement, Section 75 Site plan review, by adding subsection § 400-75(D)(9)(d), and amending subsection § 400-75(E)(1) within the Town of Lancaster's Town Code, and

WHEREAS, the Town of Lancaster Planning Board has reviewed proposed Local Law at their meeting on October 19, 2022, and recommended that it be adopted, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required prior to adopting a 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 of the year 2022, which will require recommendations be provided by Town of Lancaster's Planning Board prior to approval of granting a site plan extension, by amending Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review of the Code of the Town of Lancaster, will be held at 7:05 o'clock P.M. on the 21st day of November 2022, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the Time and Place be published in the official newspaper of the Town, and
2. The Town Clerk is hereby directed and authorized to publish public notice of said hearing in the official newspaper and given in accordance with the Municipal Home Rule Law, the Open Meetings Law, and Sections 264 and 265 of the Town Law of the State of New York, and which Notice shall be in the form attached hereto and made a part hereof, and
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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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 23 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on November 7, 2022, the Town Board will hold a Public Hearing on the 21st day of November, 2022 at 7:05 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 of Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review procedures.

Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

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

By: DIANE M. TERRANOVA
Town Clerk

November 10, 2022

**Town of Lancaster
Local Law No. of 2022**

**A Local Law Amending the Town Code Related to Certain Zoning Approvals Under
§ 400 to Clarify the Time for an Applicant to Request an Approval Extension.**

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

Section 8. Section 400-75(D)(9)(d) of Chapter 400 of Article XIV of the Town Code is hereby added to read in its entirety as follows:

D. Site plan review procedure.

9. Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of an approved development (site plan) has not commenced within two (2) years from the date of site approval, that approval shall be deemed revoked. A one-time additional one-year (1) extension **may** be granted by the Town Board upon receipt of the following:

A. A written request for extension must be submitted to the Town Board, Town Clerk, and Town Attorney's Office.

B. Request must include a current Environmental Assessment Form, and comply with current State, County and Town Zoning and Building Codes/Laws/Regulations.

C. Applicant must present to and receive approval recommendation from, the Town's Planning Board/Department.

D. Such an extension must be applied for in writing to the Town Board within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.

Section 9. **Subsection 400-75 (E)(1)** of Chapter 400 Article XIV of the Town Code is hereby amended to read in its entirety as follows:

(E) Enforcement of site plan; security; penalty.

(1) Upon approval of a site plan, the owner/developer shall meet the conditions imposed by the Town Board, including but not limited to landscaping, buffer zones, fencing, finished exteriors, parking areas, dumpster location, etc., within 60 days of issuance of the certificate of occupancy by the Building Inspector, unless written extension is granted by the Town Board. Such a written extension must be sought by the applicant and obtained prior to the expiration of any such approval. **Such an extension must be applied for in writing to the Town Board within 30 days of the expiration of the approval. If an extension is necessary for compliance, but not sought within this timeframe, then the approval shall be rescinded. Under these circumstances, applicants may re-apply for approval.**

Section 10. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 11. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

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

WHEREAS, the Town has previously entered into an agreement with Lancaster Volunteer Ambulance Corp. (LVAC) to provide ambulance and related services within the Town of Lancaster, which expired according to its terms on December 31, 2021, and

WHEREAS, the Town Attorney and LVAC began negotiations in 2021 to have revisions and updates included in a new contract and have solicited input from representatives of the various fire districts within the Town relating to the terms and conditions contained therein, and

WHEREAS, the Town Board has reviewed the proposed agreement as provided, which will cover a three (3) year period commencing January 1, 2022 and expiring on December 31, 2024 the agreement shall automatically renew unless written notice is provided by either party no later than forty-five (45) days prior to the agreement's established expiration date.

NOW, THEREFORE,
BE IT RESOLVED, that the Town Board of the Town of Lancaster does hereby approve the Agreement between the Town and Lancaster Volunteer Ambulance Corps. Inc. as presented for a three (3) year period commencing January 1, 2022 and expiring December 31, 2024 with no compensation being paid by the Town, and

BE IT FURTHER,
RESOLVED, that the Supervisor be and is hereby authorized to execute this agreement pending receipt of the required insurances listed on Schedule B being received and approved by the Town Attorney's Office. is directed to memorialize this resolution in writing to LVAC advising them of the intent to continue the agreement under its previous conditions but to amend the renewal period from two (2) years to three (3) years, commencing on the first (1st) day of January 2022 and continuing through the thirty-first (31st) day of December 2024, unless terminated sooner per the terms of the original 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster (a) hereby approves, as presented, the 2022 Tactical Diversion Squad Task Force Agreement, the Case Specific Tactical Diversion Squad Task Force Agreement, and the Certification of Responsibilities and Requirements Forms between the Town of Lancaster and the United States Department of Justice, Drug Enforcement Administration, commencing October 1, 2022, and terminating September 30, 2026, and (b) hereby authorizes the Town of Lancaster's Chief of Police William J Karn, Jr., to execute said Agreements and Certifications on behalf of the Town's Police Department, and (c) a fully executed original of said Agreements and Certifications will be provided to 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town of Lancaster’s Police Department has been awarded a \$40,000.00 Grant by the Division of Criminal Justice Services (DCJS) (Contract Number T637546), which includes Federal support from the FFY 2018 Byrne Memorial Justice Assistance Grant (Federal Award Number 2108-DJ-BX-0098) to be used for the leasing of a safety camera, and

WHEREAS, Lieutenant William Gummo has requested the purchase of one new Flock Safety Falcon Flex ALPR camera for use by the Lancaster Police Department, and

WHEREAS, by letter dated October 9, 2022, Lt. Gummo has recommended that the Town lease the camera from Flock Safety, a sole source provider, for a yearly cost of \$3,000.00, per their Services Agreement Order Form executed September 27, 2022, which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law,

NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Lancaster hereby approves the lease Services Agreement for one new Flock Safety Falcon Flex ALR camera from Flock Safety Group, Inc., 1170 Howell Mill Rd. NW, Suite 210, Atlanta GA, a sole source provider, as proposed by Lt. William Gummo, for an amount not to exceed \$3,000.00 per year for a term of three (3) years per their Services Agreement Order Form executed September 27, 2022, and which will be paid for with funds from the Division of Criminal Justice Services (DCJS) (Contract Number T637546) Grant Award, which includes Federal support from the FFY 2018 Byrne Memorial Justice Assistance Grant (Federal Award Number 2108-DJ-BX-0098), and

BE IT FURTHER,

RESOLVED, that the Town of Lancaster Town Board hereby by authorizes the Lancaster Chief of Police, William J. Karn, Jr., to execute the Services Agreement Order Form retroactively to September 27, 2022, and further directs the Chief to provide the Term Commencing Date as referenced in item 6.1b of the lease, to 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town of Lancaster’s Police Department has been awarded a \$40,000.00 Grant by the Division of Criminal Justice Services (DCJS) (Contract Number T637546), which includes Federal support from the FFY 2018 Byrne Memorial Justice Assistance Grant (Federal Award Number 2108-DJ-BX-0098) to be allocated for the purchases of a new radar trailer, and

WHEREAS, by letter dated October 9, 2022, Town of Lancaster Lieutenant William Gummo, has requested to purchase one (1) new Kustom Signals SMART VMS Model II radar/speed enforcement trailer for use by the Town’s Police Department, and

WHEREAS, the radar/speed enforcement trailer is available from the New York State Contract No. PC68531, Group 38207, Award No. PGB23163, through State Contractor Kustom Signals, Inc., at a cost of \$20,597.25 per their quote dated August 26, 2022 (Quote # -139963420559NG), which eliminates the need for competitive bidding pursuant to §103 of General Municipal Law, and

WHEREAS, the Town Board has given consideration to Lieutenant Gummo’s request and deems it appropriate to purchase one new Kustom Signals SMART VMS Model II radar/speed enforcement trailer.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the purchase of **one new Kustom Signals SMART VMS Model II radar/speed enforcement trailer** under the New York State Contract No. PC68531, Group 38207, Award No. PGB23163, through State Contractor Kustom Signals, Inc., 9652 Loiret Blvd, Lenexa, KS, for an amount not to exceed \$20,597.25 per their quote dated August 26, 2022 (Quote # -139963420559NG), and which will be paid for with funds from the Division of Criminal Justice Services (DCJS) (Contract Number T637546) Grant Award, which includes Federal support from the FFY 2018 Byrne Memorial Justice Assistance Grant (Federal Award Number 2108-DJ-BX-0098).

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, various outside Law Enforcement agencies contact the Town of Lancaster Police Chief to request permission to rent the Lancaster Police Department's Gun Range for mandatory training of its personnel, and

WHEREAS, Memorandum of Understandings are required to be in place to outline expectations for both parties, protect both parties if those expectations aren't met and pricing for materials and services being provided.

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

1. All agreements presented to the Town and/or the Lancaster Police Department must be provided to the Town Attorney's Office for review prior to execution.
2. The Town Supervisor and Chief of Police are hereby authorized to execute Memorandum of Understandings between the Town of Lancaster and Law Enforcement Agencies for use of the Police Department's Gun Range for training purposes for the fiscal year starting October 1, 2022 through September 1, 2023.
3. When applicable, the Chief of Police's Office shall obtain and provide proof of liability coverage from said agencies.
4. Any funds received for said rentals shall be deposited into the appropriate Police Budget Account by the Town's Administration and Finance Director.
5. A fully executed version of the aforementioned documents shall be provided to the Town Attorney's Office for distribution.

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

COUNCIL MEMBER BURKHARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, Deputy Highway Superintendent of the Town of Lancaster, has notified the Town Board that the ATS Controller on the Kohler Generator at the Town's Senior Center, located at 100 Oxford Avenue, needs to be replaced due to the motherboard burning out, and

WHEREAS, the Buildings and Grounds Department has obtained a quote from Penn Power Systems, currently under contract with the Town for generator service and maintenance, for replacing the ATC Controller for a cost of \$4,446.73, per the quote dated October 21, 2022 (Proposal # 21F6-74DD-SP) in accordance with the Town of Lancaster's Procurement Policy, and

WHEREAS, by letter dated November 1, 2022, the Deputy Highway Superintendent has recommended that the Town of Lancaster accept Penn Power Systems' proposal dated October 21, 2022 (Proposal # 21F6-74DD-SP), which will be paid for with funds available in the Town's 2022 Buildings, Equipment, Other Capital Outlay Budget (Line item 01-1620-0260).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor, to accept and execute the proposal dated October 21, 2022 (Proposal # 21F6-74DD-SP), from Penn Power Systems, 350 Bailey Avenue, Buffalo, New York, to remove and replace the ATS Controller on the KW Kohler Generator located at the Town's Senior Center, 100 Oxford Avenue, for an amount not to exceed \$4, 446.73 which will be paid for with funds available in the Town's 2022 Buildings, Equipment, Other Capital Outlay Budget (Line item 01-1620-0260).

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town of Lancaster provides Year-Round Youth Development Programs to the residents within its geographical areas, and

WHEREAS, the Town of Lancaster Youth Bureau has requested to make application for financial assistance from New York State Office of Children & Family Services through the Erie County Department of Social Services to support the Youth Bureau's Youth Program for an anticipated award amount of \$19,530.00 for the period of January 1, 2023, through September 30, 2023, and

WHEREAS, John Trojanowsky, Youth Bureau Executive Director, has obtained all the documents required by the County to secure the funding for the operation of the Town of Lancaster's Youth Development Program except for the executed 2022 Youth Agreement.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Town Supervisor to execute the 2023 Youth Agreement with the Erie County Department of Social Services and all documents necessary to secure funding from the NYS Office of Children and Family Services for the operation of the Town of Lancaster's 2023 Youth Development Program for the period commencing January 1, 2023, and continuing through September 30, 2023.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, on October 17, 2022, the Town Board of the Town of Lancaster held a public hearing pursuant to Chapter 400 Zoning, Article IX Communication Towers, §400-48 Procedure, of the Code of the Town of Lancaster, upon the application of **Sharon Bateman, of Centerline Communications, LLC, with American Tower, LLC** for a Special Use Permit on behalf of Verizon Wireless, for a Telecommunications Tower Co-location to be placed on the current tower located at 00 Transit Road (SBL No. 93.05-1-2.131) (ATC Site Name: Depew NY 2, ATC Site Number: 307052), which will be identified as Verizon Site Name: Bowmansville, Verizon Site Number: 693772, in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard, and

WHEREAS the Town, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has identified the relevant areas of environmental concern and determined the action to be a Type II action under SEQR.

NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Chapter 400-Zoning, Article IX Communication Towers, § 400-43 Co-locating antennas, of the Town Code of the Town of Lancaster, the Lancaster Town Board does hereby approve a Special Use Permit for **Sharon Bateman, of Centerline Communications, LLC, with American Tower, LLC**, on behalf of Verizon Wireless, for a Telecommunications Tower Co-location to be placed on the current tower located at 00 Transit Road (SBL No. 93.05-1-2.131) (ATC Site Name: Depew NY 2, ATC Site Number: 307052), which will be identified as Verizon Site Name: Bowmansville, Verizon Site Number: 693772 Lancaster, New York, subject to the applicable terms and conditions as set forth in Article IX Communications Towers and § 400-78 Special use permits with the following condition:

- A copy of the FCC License must be on file with the Town Clerk pursuant to § 400-46 (A)(9).

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, the Town Board is considering the rezone of 5827 Broadway (SBL No. 116.31-1-3), a +/- 1.23-acre parcel, from Light Commercial (LC) to Multifamily Residential Mixed-Use District (MFMU) to accommodate the proposed construction of an approximate 18,000 sq. ft. building, first floor will consist of two (2) ADA approved apartments and three (3) retail/professional office spaces, and the second floor will consist of six (6) apartment units as submitted by Lucas James, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the potential adverse environmental impacts of rezoning the property and the proposed construction project pursuant to SEQR regulations at their meeting on October 5, 2022 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the rezone and site plan using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, is fully familiar with the proposed location and the surrounding parcels, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Type 1” action under 6NYCRR Part 617.4(b) of SEQR.

NOW, THEREFORE,

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

1. Based upon the Town Board’s thorough and careful review of the proposed rezone and site plan submitted by Lucas James for 5827 Broadway (SBL No. 116.31-1-3), a +/- 1.23-acre parcel, from Light Commercial (LC) to Multifamily Residential Mixed-Use District (MFMU) to accommodate the proposed construction of an approximate 18,000 sq. ft. building, first floor will consist of two (2) ADA approved apartments and three (3) retail/professional office spaces, and the second floor will consist of six (6) apartment units, 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 BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: November 7, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed rezone and site plan submitted by Lucas James for 5827 Broadway (SBL No. 116.31-1-3), a +/- 1.23-acre parcel, from Light Commercial (LC) to Multifamily Residential Mixed-Use District (MFMU) to accommodate the proposed construction of an approximate 18,000 sq. ft. building, first floor will consist of two (2) ADA approved apartments and three (3) retail/professional office spaces, and the second floor will consist of six (6) apartment units.; 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: Broadway and Bowen Development #2210

Location of Action: 5827 Broadway (SBL No. 116.31-1-3), Lancaster, New York.

SEQR Status: Type 1.

Description of Action: 1. Rezone 1.23-acre parcel, 2. Current zoning is Light Commercial, proposing Multi-family Mixed Use, 3. Proposing building a mixed-use building with coffee shop and commercial spaces (18,000 sq ft), 4. Mixed-Use apartments and commercial spaces, 5. South east corner of Broadway and Bowen.

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

1. Impact on land – **No Impact**
2. Impact on Geological Features – **No impact**
3. Impacts on Surface Water –**Impact.**
 - h. **Small, Stormwater Control Facility Maintenance Agreement on file.**
 - k. **Small impact (per NYS DEC’s letter dated September 1, 2022).**
4. Impact on Groundwater – **Impact**
 - a. **Small, demand of 240 gal/day.**
5. Impact on Flooding – **Impact**
 - b. **Small impact. Per the NYSDEC letter dated January 3, 2021, proposed action may result in development within a 100- year floodplain.**
6. Impact on Air – **No impact.**

7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**
10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – **N/A**
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **Impact.**
 - a. **Small, morning commute will be impacted.**
 - g. **Small, Per April 6, 2022 New York State Department of Transportation letter.**
14. Impact on Energy – **Impact.**
 - a. **Small, extension to serve commercial units.**
 - c. **Small, during construction.**
15. Impact on Noise, Odor and Light – **Impact**
 - a. **Small, during construction**
 - d. **Small, parking lot lighting.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **Impact.**
 - c. **Variations are required.**
18. Consistency with Community Character – **Impact.**
 - g. **Small impact. Neighbors have raised concerns about noise, property maintenance, hours of operation, and traffic.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

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

Telephone Number: (716) 684-3342

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

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits, of the Code of the Town of Lancaster, upon the application of **Joseph J. Czajka**, for a Special Use Permit for a Home Occupation (**Vehicle Repair**) on premises located at 151 Schwartz Road (SBL No. 128.00-3-25.1), Lancaster, New York, and the Board issued such Special Use Permit on November 20, 2020, and

WHEREAS, per its terms and conditions, this Special Use Permit is currently up for renewal, and

WHEREAS, by letter dated October 11, 2022, **Joseph J. Czajka** has requested that the Town Board renew the Special Use Permit for an additional two (2) year term, and

WHEREAS, Code Enforcement Officer, Matt Fischione, has inspected the property and found it to be in conformance with the Home Occupations section of the Town Code for this Special Use Permit per his letter dated October 19, 2022.

NOW, THEREFORE,

BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400-Zoning, Article IV. Residential Districts, §400-16(F) Home Occupations, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant renewal of the Special Use Permit to **Joseph J. Czajka**, for a Home Occupation (**Vehicle Repair**) on premises located at 151 Schwartz Road (SBL No. 128.00-3-25.1), Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance for the period November 16, 2022 up to and including November 15, 2024, and

2. That the applicant will continue in compliance with conditions as set forth §400-16(F) Home Occupations and §400-78 Special use permits, of the Code of the Town of Lancaster as long as the applicant continues to engage in this home occupation on the premises, and to any additional conditions listed herein, namely:

- A. Only persons residing on the premises shall be engaged in such occupation.
- B. There shall be no change in the outside appearance of the building or premises or visible evidence of the conduct of such home occupation.
- C. Applicant shall provide a copy of the business' New York State/Federal Tax Employer Identification Number and a copy of a valid NY State DMV Certifications Certificate with each renewal request.
- D. Special Use Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a written request to the Town Clerk, **on or before November 15, 2024.**

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

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

WHEREAS, Waldemar Blaszak, has submitted a site plan which consisted of a Boundary & Topographic Survey prepared by True North Land Surveying, LLC with a Drawing Date of April 11, 2022; also included were Drawings S1 and S2 prepared by Glynn Geotechnical Engineering both dated March 25, 2022, and Drawing Title: Cover (Sheet 1) and Drawing Title: Elevation & Section (Sheet 2/2) both dated April 10, 2022, and received May 16, 2022, for the proposed construction of a 1,026 sq. ft. unconditioned warehouse addition on a floating concrete slab which will be wood framed with engineered trusses on the existing +/-9.998 acre-parcel located at 4401 Walden Avenue (SBL No. 95.00-4-32.112), in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board and was recommended for approval at their June 1, 2022 meeting, and

WHEREAS, the Town, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has identified the relevant areas of environmental concern and determined the action to be a Type II action under 6NYCRR Part 617.5(c)(9).

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **Waldemar Blaszak**, which consisted of a Boundary & Topographic Survey prepared by True North Land Surveying, LLC with a Drawing Date of April 11, 2022; also included were Drawings S1 and S2 prepared by Glynn Geotechnical Engineering both dated March 25, 2022, and Drawing Title: Cover (Sheet 1) and Drawing Title: Elevation & Section (Sheet 2/2) both dated April 10, 2022, and received May 16, 2022, for the proposed construction of a 1,026 sq. ft. unconditioned warehouse addition on a floating concrete slab which will be wood framed with engineered trusses on the existing +/-9.998 acre-parcel located at 4401 Walden Avenue (SBL No. 95.00-4-32.112), in the Town of Lancaster with the following condition:

- Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.

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

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

November 7, 2022

COMMUNICATIONS & REPORTS

692. Town Clerk to Code Enforcement Officer –
Transmittal of letter from Joseph Czajka requesting a renewal of a Special Use Permit for 151 Schwartz Road (Home Occupation – Vehicle Repair).
Disposition = Resolution 11/7/22
693. Carlo DiRienzo to Supervisor, Town Board and Town Clerk –
Interest to serve as Chairman of the Zoning Board of Appeals for 2023.
Disposition = Received & Filed
694. Shirley Hunt to Town Board –
Notice of intent to retire from the position of Clerk Typist in the Lancaster Police Department effective January 13, 2023. Disposition = Received & Filed
695. Cheektowaga Town Clerk to Lancaster Town Clerk –
Notice of Public Hearing regarding Rezoning – Portion of 6386 Transit Road.
Disposition = Received & Filed
696. NY-Sun Team to Town Clerk –
Information regarding the Expanded Solar for All program.
Disposition = Received & Filed
697. Lee Chowaniec to Town Clerk –
Questions and concerns regarding the Public Hearing the proposed 2023 budget. Disposition = Received & Filed
698. Legal Assistant to Town Board and Planning Board –
SEQR response from Erie County Dept. of Environment & Planning Regarding Fieldstream Subdivision, 6061 Broadway, Proj. #2020.
Disposition = Planning Committee
699. Code Enforcement Officer to Legislator Frank J. Todaro – District 8 –
Oversight of 3 tax delinquent properties at the October 6, 2022 Erie County Tax Foreclosure Auction. Disposition = Received & Filed
700. NYS Public Service Commission to Town Clerk –
Information regarding New 624 Area Code Assignments to begin in the 2nd quarter of 2024. Disposition = Received & Filed
701. Code Enforcement Officer to Town Board –
Recommend renewal of Home Occupation Special Use Permit for 151 Schwartz Road with conditions. Disposition = Resolution 11/7/22
702. Planning Board Chairman to Planning Board, Town Board, Town Attorney, Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from October 17, 2022 Special Meeting of the Planning Board. Disposition = Received & Filed
703. Planning Board to Town Board –
Memo recommending approval of the Preliminary Plat Plan Review for William Street Minor Subdivision, 5550 William St., Proj. #2214.
Disposition = Planning Committee
704. Planning Board to Town Board –
Memo recommending approval of a rezone for Broadway & Bowen Development, 5827 Broadway, Proj. # 2210. Disposition = Planning Committee
705. Charter Communications to Town Clerk –
Programming notification. Disposition = Received & Filed

- 706. Jerome Imiola to Supervisor and Town Board –
Letter requesting reappointment to the Town of Lancaster Assessment Review Board. Disposition = Received & Filed**
- 707. Town Clerk to Code Enforcement Officer –
Copy of Special Use Permit Application for 10 Lancaster Parkway.
Disposition = For Resolution**
- 708. Planning Board Chairman to Planning Board, Town Board, Town Attorney,
Engineering Consultant, Highway Superintendent and Building Inspector –
Draft copy of minutes from October 19, 2022 Planning Board Meeting.
Disposition = Received & Filed**
- 709. Code Enforcement Officer to Town Board –
Request for resolution authorizing the purchase of a new and unused 2022 Ford Escape SE Four Wheel Drive from DeLacy Ford, 3061 Transit Rd., Elma, NY.
Disposition = Resolution 11/7/22**
- 710. Charter Communications to Town Clerk –
Change to channel line-up. Disposition = Received & Filed**
- 711. Code Enforcement Officer to Town Board –
Recommend approval of Special Use Permit for Vehicle Storage Services,
10 Lancaster Parkway with stipulations. Disposition = For Resolution**
- 712. VFW Post 7275 to Town Clerk –
Information regarding Halfway to Dyngus Day Party on November 19, 2022
at VFW Post 7275, 3741 Walden Ave. Disposition = Received & Filed**
- 713. VFW Post 7275 to Town Clerk –
Information regarding Veteran’s Day Steak Dinner on November 6, 2022 at
VFW Post 7275, 3741 Walden Ave. Disposition = Received & Filed**
- 714. Erie County Legislature Clerk to Town Clerk –
Notice of Public Hearing regarding Proposed Consolidation and Modification
to Agricultural Districts on November 3, 2022 at 2:30PM.
Disposition = Received & Filed**
- 715. Town Engineer to Town Board –
Recommend Award of Contract for Police Building Floor Replacement to Allied
Flooring Contractors, Inc. Disposition = Resolution 11/7/22**
- 716. Police Chief to Supervisor and Town Board –
Request resolution approving the selection of Bryan Kross, Lancaster, NY to
fill the existing patrol officer vacancy effective November 22, 2022.
Disposition = Resolution 11/7/22**
- 717. Town Clerk to Michael Salavadore –
Need to request renewal of Special Use Permit for mulching, shredding &
processing for 6140 Genesee Steet. Disposition = Received & Filed**
- 718. Town Clerk to Paul Marinaccio –
Need to request renewal of Special Use Permit for topsoil shredding operations
for 31 Peppermint Road. Disposition = Received & Filed**
- 719. Town Clerk to Gregory Sojka –
Need to request renewal of Special Use Permit to operate a contractor’s storage
yard for 1230 Town Line Road. Disposition = Received & Filed**
- 720. Town Clerk to Timothy Szczepanski –
Need to request renewal of Special Use Permit to operate a contractor’s storage
yard for 2 Cadby Park. Disposition = Received & Filed**

- 721. Town Clerk to Various News Media –
Press Release reminding all Town residents about winter parking ban on all streets in the Town. Disposition = Received & Filed**
- 722. Stormwater Management Officer to Drainage & Storm Sewer Committee –
MS4 Report for October 2022. Disposition = Received & Filed**
- 723. Legal Assistant to Town Board & Planning Board –
SEQR responses from Erie County Dept. of Sewerage Management, Erie County Dept. of Public Works and Erie County Div. of Environment & Planning regarding Amended Site Plan – Angry Buffalo, 2753 Wehrle Drive, Proj. #1501. Disposition = Planning Committee**
- 724. Deputy Highway Superintendent to Town Board –
Request for resolution to have Penn Power Systems, 350 Bailey Ave, Buffalo, NY remove and replace the ATS Controller on the 100 KW Kohler Generator at the Senior Center. Disposition = Resolution 11/7/22**
- 725. Town Clerk to Code Enforcement Officer –
Application for a Special Use Permit for 6363 Transit Road. Disposition = For Resolution**
- 726. Patrol Captain Marco Laurienzo to Planning Board Chairman –
No objection to Site Plan Review – Project #2121. Disposition = Received & Filed**
- 727. Patrol Captain Marco Laurienzo to Planning Board Chairman –
No objection to Amended Site Plan Review – Project #2031. Disposition = Received & Filed**
- 728. Erie County Legislator Frank Todaro to Code Enforcement Officer –
Reply to letter dated October 19, 2022 regarding Buffalo Erie Niagara Land Improvement Corporation’s (BENLIC) failure to acquire certain foreclosed properties. Disposition = Received & Filed**
- 729. Highway Superintendent to Town Board –
Notice of appointment of James Walsh II, Lancaster, NY to the position of Laborer Grade #1 effective November 1, 2022. Disposition = Resolution 11/7/22**
- 730. Town Engineer to Town Board –
Recommend acceptance of Public Improvement Permit #842 for storm sewer for Cross Creek Phase 9. Disposition = For Resolution**
- 731. Deputy Highway Superintendent to Supervisor and Town Board –
Request for resolution appointing individuals to the position of part-time permanent employees for the Fall Recreation Programs for the fall/winter in the Parks, Recreation & Forestry Dept. Disposition = Resolution 11/7/22**
- 732. Town Clerk to Various News Media –
Press Release announcing that the Planning and Zoning Committee will hold an informational session on November 16, 2022 at 6:00PM. Disposition = Received & Filed**
- 733. Town Engineer to Town Board –
Recommend acceptance of Public Improvement Permit #821 for streetlights for Cross Creek Phase 8. Disposition = For Resolution**
- 734. Town Clerk to Town Board –
Town Clerk Monthly Report for October 2022. Disposition = Received & Filed**
- 735. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**

**736. Vice-President and Financial Officer, Delta Sonic Car Wash to Lancaster Police Department –
Letter confirming that Delta-Sonic Carwash Systems, Inc. is donating fiberglass grating to the Lancaster Police Department.
Disposition = Received & Filed**

ADJOURNMENT:

**MOTION WAS MADE BY COUNCIL MEMBER LEARY AND
SECONDED BY COUNCIL MEMBER MAZUR,** to adjourn the meeting in memory of
Joseph J. Biagiotti, Mary Dusch, Robert Godziak, Sr., Shirley Rinow and Lois Snyder at
9:24 P.M.

ALL IN FAVOR, MOTION CARRIED, MEETING ADJOURNED.

November 7, 2022

Signed _____

Diane M. Terranova, Town Clerk