

PRESENTATION OF PREFILED RESOLUTIONS:

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

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held June 19, 2017 and the Regular Meeting of the Town Board held June 19, 2017 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR COLEMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, 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. 48947 to Claim No. 49086 Inclusive

Total amount hereby authorized to be paid: \$1,029,789.12

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

File: Rclaims

TE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER ABRAHAM, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER 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
26915		Designer Pools	123 Garfield St	Er. Fence	(V/L)
26916		Designer Pools	123 Garfield St	Er. Pool-In Grnd	(V/L)
26917		Designer Pools	15 Branch Way	Er. Pool-In Grnd	
26918		Ronald W. Fuerst	26 Glendale Dr	Er. Shed	
26919		Raymond Banaszak	18 Hinchey Ave	Er. Deck	(V/L)
26920		Michael J. Ziolo	71 Avian Way	Re-Roof	
26921		4781 Transit Road Inc.	4781 Transit Rd	Er. Comm. Add./Alt.	
26922		Gregory Knop	16 Crabapple Ln	Er. Shed	
26923		Brian & Cheryl Pulaski	16 Village View	Er. Pergola	
26924		Gregory Knop	16 Crabapple Ln	Er. Fence	
26925		Brian & Debra Evers	19 Oakwood Comm	Er. Fence	
26926		Betty M. Kemp	1 Trenton Ave	Re-Roof	(V/L)
26927		Luna Bismarck	20 Middlebury Ln	Er. Deck	
26928		Christopher & Michelle Lee	29 Old Post Rd	Er. Fence	
26929		Andrea Karan	55 Banner Ave	Er. Fence	(V/L)
26930		Michael & Sarah Szymanski	2 Bridlepath Ln	Er. Deck	
26931		The Gutter People of WNY Inc.	697 Pavement Rd	Re-Roof	
26932		Dan Frayne	66 Sterling Pl	Re-Roof	
26933		Equity Trust Co.	30 Hess Pl	Er. Res. Alt.	
26934		Mark & Mayna Leaman	14 Haskell Dr	Er. Shed	
26935		Switala's Siding Cedar Inc.	11 Fox Hunt Rd	Re-Roof	
26936		Black Rock Roofing	278 Enchanted Forest N	Re-Roof	
26937		Christopher Chellino	43 Newberry Ln	Er. Deck	
26938		Jeffery A. Fisher	3 Sawgrass Ln	Re-Roof	
26939		Sharon Lee Grant	75 First Ave	Er. Fence	(V/L)
26940		LJ Construction	272 Central Ave	Re-Roof	(V/L)
26941		Christopher St. Mary	17 Milton Dr	Er. Fence	(V/L)
26942		Junior Enterprises Mgt. Pro	6519 Broadway	Re-Roof	
26943		The Pool Guy	22 Quail Hollow	Er. Pool-Abv Grnd	
26944		Jeffrey & Diane Scher	32 Logan Ln	Inst. Generator	
26945		James & Judy Streicher	122 Pheasant Run Ln	Er. Garage	
26946		Guardian Fences of WNY Inc.	3 Signal Dr	Er. Fence	
26947		Gary & Tamara Chaples	58 Fox Hunt Rd	Er. Fence	
26948		Summers & Sons Construction	50 Tranquility Trl	Er. Deck	
26949		Jaime Welka	51 Worthington Ln	Er. Fence	
26950		Frank Trybuskiewicz	5680 Broadway	Er. Comm. Add./Alt.	
26951		RGGT LLC	6 Pheasant Run Ln	Re-Roof	
26952		Stephen D. Coffed	315 Iroquois Ave	Er. Fence	
26953		The Vinyl Outlet Inc.	22 Logan Ln	Er. Deck	
26954		5980 Armor Duells	39 Hidden Meadow Crossing	Er. Dwlg.-Sin.	
26955		A Best Inc.	270 Warner Rd	Re-Roof	
26956		Besroi Construction	55 Sixth Ave	Re-Roof	(V/L)
26957		Randy & Jillian Zink	175 Pleasant View Dr	Er. Fence	
26958		Randy & Jillian Zink	175 Pleasant View Dr	Er. Shed	
26959		Besroi Construction	294 Iroquois Ave	Re-Roof	
26960		Besroi Construction	9 Edgewood Rd	Re-Roof	(V/L)
26961		Besroi Construction	550 Harris Hill Rd	Re-Roof	
26962		John & Jennifer Cuttitta	510 Townline Rd	Er. Porch	
26963		Marrano/Marc Equity Corp.	35 Pear Tree Ln	Er. Dwlg.-Sin.	
26964		Congregation of The	52 Wayne St	Re-Roof	(V/L)
26965		Katherine A. Tomasello	73 Nichter Rd	Er. Pool-Abv Grnd	
26966		Frontier Properties LLC	56 Gunnvile Rd	Inst. Ingrnd. Sprinkler	
26967		Nicholas Breeze	299 Schwartz Rd	Re-Roof	

26968	Austin & Nicole Bessong	1890 Como Park Blvd	Er. Fence	(V/L)
26969	Jason & Tricia Winnicki	15 Sawgrass Ln	Er. Shed	
26970	Joseph & Lynn Len	16 Sawgrass Ln	Er. Shed	
26971	Seneca Signs LLC	20 Lancaster Pkwy	Er. Sign - Wall	
26972	Black Rock Roofing	57 Didion Rd	Re-Roof	
26973	Riverside Door & Windows Inc.	94S Irwinwood Rd	Re-Roof	(V/L)
26974	Kenneth & Karen Jarosz	165 Schwartz Rd	Er. Shed	
26975	Daniel P. Kicior	96 Hinchey Ave	Er. Res. Add.	(V/L)
26976	Jacob Emmanuele	35 Pleasant Ave	Er. Fence	(V/L)
26977	C.M. Armitage Inc.	48 Freeman Dr	Er. Comm. Add./Alt.	
26978	Cole Butzek	45 Newberry Ln	Er. Fence	
26979	Industrial Contractors Skanska	4201 Walden Ave	Er. Comm. Add./Alt.	
26980	Industrial Contractors Skanska	4201 Walden Ave	Er. Comm. Add./Alt.	
26981	Lisa Dibello Wolski	63 Roosevelt Ave	Er. Fence	(V/L)
26982	Brian & Connie Rennard	15 Middlebury Ln	Er. Shed	
26983	Ziad El Haj Assaad	18 Middlebury Ln	Er. Fence	
26984	Scott & John Bystrak	15 Hinchey Ave	Er. Shed	(V/L)
26985	William Anthon	209 Nathan's Trl	Er. Shed	
26986	Anthony Fialkowski	5741 Broadway	Inst. Generator	
26987	Nikolay Blyashuk	29 Parkdale Dr	Re- Roof	
26988	ECC Electrical Construction	6376 Genesee St	Inst. Generator	
26989	ECC Electrical Construction	24 Gale Dr	Inst. Generator	
26990	Charles Lauck	169 Nathan's Trl	Er. Deck	
26991	John & Sandra Setlock	146 Belmont Ave	Er. Fence	
26992	Try-Lock Roofing Co. Inc.	5 Red Clover Ln	Re-Roof	
26993	Buffalo Bungalow Inc.	265 Enchanted Forest N	Er. Res. Alt.	
26994	Craig & Kellie Heftka	7 Crabapple Ln	Er. Fence	
26995	Craig & Kellie Heftka	7 Crabapple Ln	Er. Shed	
26996	KW Electric Inc.	190 Enchanted Forest S	Inst. Generator	
26997	Patrick G. Benz	107 Elm Pl	Er. Res. Add.	(V/L)
26998	Patrick G. Benz	107 Elm Pl	Er. Porch	(V/L)
26999	Dan Frayne	64 Avian Way	Re-Roof	
27000	The Pool Guy	430 Lake Ave	Er. Pool-Abv Grnd	
27001	Buffalo Roofing Co., LLC	62 Kennedy Ct	Re-Roof	
27002	Buffalo Roofing Co., LLC	20 Oakwood Comm	Re-Roof	
27003	Kenji J. Kimura	6 Spruceland Ter	Er. Shed	
27004	Superior Decks & Gazebos Inc.	292 Pleasant View Dr	Er. Deck	
27005	Superior Decks & Gazebos Inc.	8 Summerfield Dr	Er. Deck	
27006	John R. Phillips	304 Schwartz Rd	Er. Res. Alt.	

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Town Board is considering the Rezone and Site Plan applications submitted by Joseph David for property located at 2753 (SBL No. 82.03-2-4.1), 2757 (SBL No.82.03-2-5), 2761 (SBL No. 82.03-2-6.1) & 00 (SBL No. 82.03-2-3.1) Wehrle Drive from Residential District One (R-1) to General Business District (GB) for the proposed construction of a 26,400 s.f. building to contain a flag football athletic field within the Town of Lancaster, and

WHEREAS, the Town of Lancaster Municipal Review Committee has reviewed the potential adverse environmental impacts of rezoning the property pursuant to SEQR regulations at their meeting on June 19, 2017 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the Rezone, 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 Municipal Review Committee; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action has been labeled a “Type 1” action under SEQRA.

NOW, THEREFORE,

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

1. The proposed Rezone of 2753 (SBL No. 82.03-2-4.1), 2757 (SBL No.82.03-2-5), 2761 (SBL No. 82.03-2-6.1) & 00 (SBL No. 82.03-2-3.1) Wehrle Drive from Residential District One (R-1) to General Business District (GB) for the proposed construction of a 26,400 s.f. building to contain a flag football athletic field submitted by Joseph David, 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: July 3, 2017

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 & Site Plan applications submitted by Joseph David for property located at 2753 (SBL No. 82.03-2-4.1), 2757 (SBL No.82.03-2-5), 2761 (SBL No. 82.03-2-6.1) & 00 (SBL No. 82.03-2-3.1) Wehrle Drive from Residential District One (R-1) to General Business District (GB) for the proposed construction of a 26,400 s.f. building to contain a flag football athletic field within the Town of Lancaster. The Town Board has determined this project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rezone & Site Plan – Angry Buffalo at Rose Garden Sports Arena.

Location of Action: 2753 (SBL No. 82.03-2-4.1), 2757 (SBL No.82.03-2-5), 2761 (SBL No. 82.03-2-6.1) & 00 (SBL No. 82.03-2-3.1) Wehrle Drive, Lancaster, New York.

SEQR Status: Type 1.

Description of Action: The proposed construction of an approximate 26,400 square foot building. The building will contain an athletic field, which will be utilized primarily for flag football games. The building which is effectively a metal shell covering an athletic field, will not be connected to any sanitary sewer system or municipal water supply. The remainder of the site will remain unchanged with existing parking for the proposed structure located along the eastern property line.

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 - Small impact**
 - The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed of any other water body.
- 4. Impact on Groundwater – No impact**
- 5. Impact on Flooding – Small impact**
 - The proposed action may result in development within a 500 year floodplain at the south end.
- 6. Impact on Air – No impact**
- 7. Impact on Plants and Animals – No impact**

- 8. Impact on Agricultural Resources – No impact**
- 9. Impact on Aesthetic Resources – No impact**
- 10. Impact on Historic and Archeological Resources – No impact**
- 11. Impact on Open Space and Recreation – No impact**
- 12. Impact on Critical Environmental Areas – N/A**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact**
- 14. Impact on Energy – No impact**
- 15. Impact on Noise, Odor and Light – No impact**
- 16. Impact on Human Health – No impact**
- 17. Consistency with Community Plans – Small impact**
 - It is noted that deed restrictions will be placed on the project to keep in character of the neighborhood.
- 18. Consistency with Community Character – No impact.**

For Further Information:

Contact Person: Kevin E. Loftus , Town Attorney
Town of Lancaster
Address: 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, TO WIT:

WHEREAS, the Town of Lancaster has expressed interest in purchasing land currently owned by the Depew Union Free School District known as Dawson Field a +/- 6.57 acre recreation field located between Columbia and Olmstead Avenue to increase park-land area for the residents within the Village of Depew, in the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster deems it to be in the best interest of all parties involved that an appraisal be obtained for valuation of said property, and

WHEREAS, the Town obtained two (2) quotes from the following companies for the appraisal of said property:

1. Joe Emminger, a duly qualified appraiser with Emminger Newton Pigeon Magyar, Inc., has submitted a proposal dated June 13, 2017 in the amount of \$2,900.00.
2. Ron Rubino, MAI, a duly qualified appraiser with GAR Associates, LLC, has submitted a proposal dated June 15, 2017 in the amount of \$1,800.00.

NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Coleman is hereby authorized to enter execute the proposal with **GAR Associates, LLC**, to be retained by the Town of Lancaster to provide an appraisal of the real property Dawson Field located Columbia and Olmstead Avenue (19 Columbia Avenue) within the Village of Depew in the Town of Lancaster at a cost not to exceed \$1,800.00, which will be paid for from the Town's Recreation Filing Fees Fund 37-7000-400.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER GASZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, a vacancy exists on the Town of Lancaster Zoning Board of Appeals due to the recent passing of Zoning Board Member James Perry, and

WHEREAS, Council Member Abraham recommended to the Town Board the appointment of Jeanne Kreavy as a member of the Town of Lancaster Zoning Board of Appeals.

NOW, THEREFORE, BE IT

RESOLVED, that Jeanne Kreavy of Schwartz Road, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Zoning Board of Appeals for the term of July 3, 2017 to December 31, 2020.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, Mark Lubera, Park Crew Chief of the Parks, Recreation and Forestry Department, by letter dated June 23, 2017, has requested a title change and effective date change for the following individual(s)

NOW, THEREFORE, BE IT

RESOLVED, that this resolution shall hereby amend the resolution dated June 19, 2017, and

AND BE IT FURTHER,

RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation, & 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>
Gretchen Galliford Bowmansville, NY	Recreation Director	\$18.00	June 20, 2017

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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, Mary Beth Gianni, Recreation Attendant for the Town of Lancaster Senior Center, by letter(s) dated June 20, 2017 and June 23, 2017 has recommended the appointment of the following individual(s) to the following part-time permanent position(s).

NOW, THEREFORE, BE IT

RESOLVED, that the following individual(s) are hereby appointed to the following part-time permanent position(s) in the Lancaster Senior Center, working not more than nineteen and three-quarter hours per week, 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 permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Susan Griffith Lancaster, NY	Van Driver	\$10.00	June 26, 2017
Alan Herdzik Lancaster, NY	Van Driver	\$10.00	July 5, 2017

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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on June 19, 2017, pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j) as required under §50-46 of the Code of the Town Lancaster, upon the application of Mary Beth Basil, of **5123 Transit, LLC/Basil Chevrolet** for a Special Use Permit to operate an automobile glass and accessory installation facility on premises located at 5067 Transit Road, in the Town of Lancaster, Erie County, New York, and

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

NOW, THEREFORE, BE IT

RESOLVED, that to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled “Commercial Motor Service District (CMS)” of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Mary Beth Basil**, of **5123 Transit, LLC/Basil Chevrolet**, to operate an automobile glass and accessory installation facility on premises located at 5067 Transit Road, in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions:

1. No displaying/advertising of new or used vehicles “For Sale” on the property.
2. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before July 3, 2019.
3. 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.
4. Applicant will obtain and provide proof of a valid New York State Business License from 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on June 19, 2017, pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j) as required under §50-46 of the Code of the Town Lancaster, upon the application of Mary Beth Basil, of 5123 Transit, **LLC/Basil Chevrolet** for a Special Use Permit to operate a facility which installs accessories on automobiles serviced through Joe Basil Dealerships on premises located at 5071 Transit Road, in the Town of Lancaster, Erie County, New York, and

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

NOW, THEREFORE, BE IT

RESOLVED, that to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled “Commercial Motor Service District (CMS)” of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Mary Beth Basil**, of 5123 Transit, **LLC/Basil Chevrolet**, to operate a facility which installs accessories on automobiles serviced through Joe Basil Dealerships on premises located at 5071 Transit Road, in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions:

1. No displaying/advertising of new or used vehicles “For Sale” on the property.
2. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before July 3, 2019.
3. 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.
4. Applicant will obtain and provide proof of a valid New York State Business License from 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on June 19, 2017, pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j) as required under §50-46 of the Code of the Town Lancaster, upon the application of James Basil, of **JBC Properties, LLC/Basil Chevrolet** for a Special Use Permit to operate an automobile dealership facility on premises located at 5111 Transit Road, in the Town of Lancaster, Erie County, New York, and

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

NOW, THEREFORE, BE IT

RESOLVED, that to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled “Commercial Motor Service District (CMS)” of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to James Basil, of **JBC Properties, LLC/Basil Chevrolet**, to operate an automobile dealership facility on premises located at 5111 Transit Road, in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions:

1. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before July 3, 2019.
2. 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.
3. Applicant will obtain and provide proof of a valid New York State Business License from 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing on June 19, 2017, pursuant to Chapter 50-Zoning, Section 20 (B)(1)(j) as required under §50-46 of the Code of the Town Lancaster, upon the application of Mary Beth Basil, of 5123 Transit, **LLC/Basil Chevrolet** for a Special Use Permit to operate a Kwik Lube and carwash facility on premises located at 5123-5127 Transit Road, in the Town of Lancaster, Erie County, New York, and

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

NOW, THEREFORE, BE IT

RESOLVED, that to Chapter 50-Zoning, Section 20 (B)(1)(j), entitled “Commercial Motor Service District (CMS)” of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Mary Beth Basil**, of 5123 Transit, **LLC/Basil Chevrolet**, to operate a Kwik Lube and carwash facility on premises located at 5123-5127, in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance and the following conditions:

1. No displaying/advertising of new or used vehicles “For Sale” on the property.
2. The three (3) separate parcels (SBL Nos. 115.05-2-45.1, 115.05-2-47 & 115.05-2-48) are to be combined and filed as one (1) tax parcel.
3. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal request is considered upon the property owner submitting an application to the Town Clerk, on or before July 3, 2019.
4. 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.
5. Applicant will obtain and provide proof of a valid New York State Business License from 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, Captain William J. Karn Jr. of the Town of Lancaster Police Department, by letter dated June 27, 2017, has requested authorization for one (1) member of the Lancaster Police Department to attend the 30th Annual Colonel Henry F. Williams Homicide Seminar to be held in Albany, New York from September 11, 2017 through September 15, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that detective Richard Kotlak of the Town of Lancaster Police Department, is hereby authorized to attend the 30th Annual Colonel Henry F. Williams Homicide Seminar to be held in Albany, New York from September 11, 2017 through September 15, 2017.

BE IT FURTHER,

RESOLVED, that the total cost of attendance for one (1) officer at the above mentioned training course is hereby authorized in an amount not-to-exceed \$1700 for actual and necessary expenses, including the cost of registration, lodging, travel and meal expenses for four (4) days on the specified dates of training, and

BE IT FURTHER,

RESOLVED, that all requests for reimbursement must be presented in the form of original, itemized receipts for actual and necessary expenses upon submission of proper documentation to the Accounting Department of the Town of Lancaster.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, 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, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to regulate Solar Energy Facilities in the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster has proposed a Local Law of the year 2017, entitled “**Solar Energy Facilities**”, and further designated as Article VII-B of Chapter 50- Zoning, Sections 50-41.13-50-41.18 of the Code of the Town of Lancaster, which reads as follows:

Chapter 50. Zoning
Article VII-B
Solar Energy Facilities

Proposed
Local Law of the year 2017

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ENACTING ARTICLE VII-B, SOLAR ENERGY FACILITIES, TO CHAPTER 50 ZONING, WHICH ARTICLE DEFINES AND REGULATES SOLAR ENERGY FACILITIES.

50-41.13 Purpose

This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free-standing, ground-mounted or roof-mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

50-41.14 Definitions

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building’s envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively through a homeowners’ association, “adopt-a-solar-panel” programs, or other similar arrangements.

GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy for transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices.

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes. Minor solar collection systems may consist of BUILDING-INTEGRATED PHOTOVOLTAICS, GROUND-MOUNTED, or ROOF-MOUNTED solar collector devices.

ROOF-MOUNTED SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

SOLAR ENERGY EQUIPMENT: Any other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

50-41.15 Applicability

- A. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.
- B. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.
- C. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code and the Town Code.
- D. Nothing contained in this Article shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.
- E. All solar energy systems shall be designed, erected, and installed so as to prevent undue glint and glare from falling on adjoining properties or creating traffic safety issues.

50-41.16 Solar Collectors and Installations for Minor Systems

- A. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:

- (1) The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
- (2) Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
- (3) A building permit shall be required for installation of all roof and building mounted solar collectors.

B. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all business and industrial districts, subject to the following requirements:

- (1) The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.
- (2) The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.
- (3) The solar collectors are located in a side or rear yard. If the side or rear yard is visible from adjacent properties and roads, there shall be a landscape buffer installed.
- (4) Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
- (5) A building permit shall be required for installation of all ground-mounted and freestanding solar collectors.

Ground-mounted and freestanding solar collectors are NOT permitted in residential districts.

C. Building-integrated photovoltaic systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance, but are subject to all other applicable building, electrical, and safety codes.

D. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

E. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Erie County and other applicable laws and regulations.

50-41.17 Major Solar Systems

A. **Major Solar Systems** are permitted through the issuance of a special use permit and site plan review in accordance with this Chapter in the Light Industrial (LI), General Industrial (GI) and Sand, Gravel and Aggregates (SGA) Districts. The minimum lot size required is one acre in the Light Industrial (LI) District, one acre in the General Industrial (GI) District, and five acres in the Sand Gravel, and Aggregates (SGA) District. In addition, Major Solar Systems must meet the criteria set forth below.

B. A **Major Solar System** may be permitted in the Light Industrial (LI), General Industrial (GI), and Sand, Gravel, and Aggregates (SGA) Districts when authorized by site plan review and a special use permit from the Town Board subject to the following terms and conditions.

- (1) The total coverage on a lot, including freestanding solar panels, shall not exceed 80%.

(2) Height and setback restrictions.

- i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
- ii. The minimum setback from property lines shall be 25 feet, unless adjacent to residential property.
- iii. A landscaped buffers of trees, shrubs or bushes shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.

(3) Design standards.

- i. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
- ii. Removal of any prime agricultural soil from the subject parcel is prohibited.
- iii. Proposed major solar systems shall not negatively impact the viability of prime agricultural soils on-site.
- iv. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- v. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- vi. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
- vii. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.
- viii. Major systems or solar farms shall not obstruct solar access to adjacent properties.

(4) Signs.

- i. A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.
- ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.

C. A piece of equipment which meets the definition of oil-filled operational equipment set forth in 40 CFR part 112.2 (e.g. transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.

50-41.18 Special Use Permit Requirements

A. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town

(1) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.

(2) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project.

(3) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.

(4) Site Plan: Site plan approval is required.

(5) Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.

(6) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

(7) Decommissioning Plan: To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance to the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

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 17th day of July, 2017 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

**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 July 3, 2017, the said Town Board will hold a Public Hearing on the 17th day of July, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the year 2017, entitled "Solar Energy Facilities" and further designated as ARTICLE VII-B of Chapter 50-Zoning, Sections 50-41.13-50-41.18 of the Code of the Town of Lancaster which will regulate Solar Energy Facilities in the Town of Lancaster. Copies of the proposed Local Law are available in the Office of the Town Clerk for inspection and distribution to any person between the hours of 9:00 A.M. and 4:00 P.M.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: Diane M. Terranova
Town Clerk**

July 6, 2017

Town of Lancaster
Local Law No. ____ of 2017

A Local Law to Regulate Solar Energy Facilities in the Town of Lancaster, New York

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

SECTION 1: Chapter 50 of the Town Code of the Town of Lancaster is amended to add the following Article VII-B:

Article VII-B Solar Energy Facilities

50-41.13 Purpose

This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free-standing, ground-mounted or roof-mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

50-41.14 Definitions

ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively through a homeowners' association, "adopt-a-solar-panel" programs, or other similar arrangements.

GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.

GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.

GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy for transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices.

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes. Minor solar collection systems may consist of BUILDING-INTEGRATED PHOTOVOLTAICS, GROUND-MOUNTED, or ROOF-MOUNTED solar collector devices.

ROOF-MOUNTED SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.

SOLAR ENERGY EQUIPMENT: Any other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY EQUIPMENT/SYSTEMS: Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.

50-41.15 Applicability

- A. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.
- B. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.
- C. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Uniform Fire Prevention and Building Code and the Town Code.
- D. Nothing contained in this Article shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.
- E. All solar energy systems shall be designed, erected, and installed so as to prevent undue glint and glare from falling on adjoining properties or creating traffic safety issues.

50-41.16 Solar Collectors and Installations for Minor Systems

- A. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:
 - (1) The distance between the roof and highest edge of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.
 - (2) Rooftop and building-mounted solar collectors shall not obstruct solar access to adjacent properties.
 - (3) A building permit shall be required for installation of all roof and building mounted solar collectors.
- B. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all business and industrial districts, subject to the following requirements:
 - (1) The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.

- (2) The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.
- (3) The solar collectors are located in a side or rear yard. If the side or rear yard is visible from adjacent properties and roads, there shall be a landscape buffer installed.
- (4) Ground-mounted and freestanding solar collectors shall not obstruct solar access to adjacent properties.
- (5) A building permit shall be required for installation of all ground-mounted and freestanding solar collectors.

Ground-mounted and freestanding solar collectors are NOT permitted in residential districts.

- C. Building-integrated photovoltaic systems, as defined by this Ordinance, are not considered an accessory use and are not subject to the requirements of this Ordinance, but are subject to all other applicable building, electrical, and safety codes.
- D. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and prior to operation the electrical connections must be inspected by Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- E. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Erie County and other applicable laws and regulations.

50-41.17 Major Solar Systems

- A. **Major Solar Systems** are permitted through the issuance of a special use permit and site plan review in accordance with this Chapter in the Light Industrial (LI), General Industrial (GI) and Sand, Gravel and Aggregates (SGA) Districts. The minimum lot size required is one acre in the Light Industrial (LI) District, one acre in the General Industrial (GI) District, and five acres in the Sand Gravel, and Aggregates (SGA) District. In addition, Major Solar Systems must meet the criteria set forth below.
- B. A **Major Solar System** may be permitted in the Light Industrial (LI), General Industrial (GI), and Sand, Gravel, and Aggregates (SGA) Districts when authorized by site plan review and a special use permit from the Town Board subject to the following terms and conditions.
 - (1) The total coverage on a lot, including freestanding solar panels, shall not exceed 80%.
 - (2) Height and setback restrictions.
 - i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
 - ii. The minimum setback from property lines shall be 25 feet, unless adjacent to residential property.
 - iii. A landscaped buffers of trees, shrubs or bushes shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
 - (3) Design standards.
 - i. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - ii. Removal of any prime agricultural soil from the subject parcel is prohibited.

- iii. Proposed major solar systems shall not negatively impact the viability of prime agricultural soils on-site.
- iv. Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- v. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- vi. Solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.
- vii. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate and provided with landscape screening.
- viii. Major systems or solar farms shall not obstruct solar access to adjacent properties.

(4) Signs.

- i. A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.
- ii. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.

C. A piece of equipment which meets the definition of oil-filled operational equipment set forth in 40 CFR part 112.2 (e.g. transformers, capacitors and electrical switches) shall comply with the secondary containment procedures of that regulation.

50-41.18 Special Use Permit Requirements

A. In addition to the other special use permit requirements of this Code, the following shall be provided to the Town

- (1) Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- (2) Name, address, and contact information of the applicant, property owner(s), and agent submitting the project.
- (3) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (4) Site Plan: Site plan approval is required.
- (5) Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.
- (6) Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.
- (7) Decommissioning Plan: To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to

construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance to the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

SECTION 2: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Lancaster hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 3: REPEAL

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed. In addition, **Local Law No. 1 of 2017** establishing a moratorium on solar energy systems is hereby repealed.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

WHEREAS, Darlene Bartlett of Walden Acres, LLC, has petitioned the Town Board of the Town of Lancaster for the rezone of a parcel of land located at 00 Walden Avenue (SBL No. 94.17-1-49), Lancaster, New York from Residential Commercial Office District (RCO) to Neighborhood Business (NB), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and was approved at their June 21, 2017 meeting.

NOW, THEREFORE

BE IT RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 17th day of July, 2017, at 7:15 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the local newspaper of general circulation in said Town and be on the Town Bulletin Board, and that Notice of such 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 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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

June 3, 2017

LEGAL NOTICE
REZONE-PUBLIC HEARING
00 WALDEN AVENUE
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on July 3, 2017, the said Town Board will hold a Public Hearing on the 17th day of July, 2017 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property locally known as 00 Walden Avenue (SBL No. 94.17-1-49), from a Residential Commercial Office District (RCO) to Neighborhood Business (NB) within the Town of Lancaster, New York.

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

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: DIANE M. TERRANOVA
Town Clerk

July 6, 2017

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

WHEREAS, the Hull House Foundation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a Historic Preservation project to be located at 5976 Genesee Street (the Hull Family Farm & Homestead) in the Town of Lancaster, a site located within the territorial jurisdiction of this Lancaster Town Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located;"

NOW, THEREFORE,

BE IT RESOLVED, by this august body that the Town Board of the Town of Lancaster hereby does approve and endorse the application of Hull House Foundation for a grant under the Environmental Protection Fund for a Historic Preservation project known as the Hull Family Farm & Homestead project and located at 5976 Genesee Street within the Town of Lancaster's municipal boundaries.

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

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

WHEREAS, the Park Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated June 28, 2017 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>
Camryn Lucarelli (new hire) Depew, NY	Recreation Attendant	\$12.00	June 27, 2017
Hannah Kirsits (new hire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Madison Pepke (new hire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Anthony Piccolo (rehire) Lancaster, NY	Recreation Attendant	\$21.00	June 27, 2017
Andrew Helenbrook (rehire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Connor Duck (new hire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Jacob Kaska (new hire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Matthew Garry (new hire) Depew, NY	Recreation Attendant	\$12.00	June 27, 2017
Michael Marrano (rehire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Matthew Lapiana (rehire) Lancaster, NY	Recreation Attendant	\$12.00	June 27, 2017
Kaitlyn Becht (new hire) Lancaster, NY	Recreation Attendant	\$12.00	July 5, 2017

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Brittany Heist (rehire) Lancaster, NY	Recreation Attendant	\$21.00	July 24, 2017
Madelynn Stearns (new hire) Clarence, NY	Recreation Attendant	\$12.00	July 24, 2017
Hanna Wozniak (rehire) Lancaster, NY	Recreation Attendant	\$12.00	July 24, 2017
Molly Mahony (rehire) Lancaster, NY	Recreation Attendant	\$12.00	July 24, 2017
Joseph Mescall (rehire) Lancaster, NY	Recreation Attendant	\$12.00	July 24, 2017
Jay Bauman (new hire) Lancaster, NY	Recreation Attendant	\$12.00	July 24, 2017

**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 ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017

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

BE IT RESOLVED, that Jean Karn of Lancaster, New York, be and is hereby appointed to the position of Dog Control Officer, part-time, effective June 23, 2017, at an annual salary of \$34,000, on step, which represents 85% of the full salary of \$40,000 which shall be reached after 24 months of service in accordance with the following step schedule:

Date of Employment until 12 months:	85% of full salary
13 – 18 months of service:	90% of full salary
19 – 24 months of service:	95% of full salary
After 24 months of service:	100% of full salary

BE IT FURTHER,

RESOLVED, that Ms. Karn is designated to oversee the dog control function within the Town subject to the expectations, oversight, and direction of the Town Supervisor, or designee, and shall work a schedule to be determined by the Town Supervisor, or designee; and

BE IT FURTHER,

RESOLVED, that Ms. Karn shall be entitled to the terms and conditions set forth in this resolution only, notwithstanding the provisions of any other Town policy or resolution to the contrary; and

BE IT FURTHER,

RESOLVED, that the Town Supervisor shall be authorized and directed to take all necessary actions to implement the foregoing.

COUNCIL MEMBER ABRAHAM	VOTED
COUNCIL MEMBER GACZEWSKI	VOTED
COUNCIL MEMBER RUFFINO	VOTED
COUNCIL MEMBER WALTER	VOTED
SUPERVISOR COLEMAN	VOTED

July 3, 2017