

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

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
November 7, 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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO, 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:

Check Run #11212022

Total amount hereby authorized to be paid: \$432,749.36

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

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

November 21, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER MAZUR 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 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				
20215765		Stockmohr Co. Inc.	38 Cedar Brook Dr	Re-Roof
20215767		Stockmohr Co. Inc.	31 Shadyside Ln	Re-Roof
20227963		Spoleta Construction Corp.	375 Harris Hill Rd	Er. Comm. Bldg.
20228183		Empire Granite and Marble LLC	4401 Walden Ave	Er. Comm. Add./Alt.
20228333		Sunrooms of Buffalo, LLC	80 Heritage Dr	Er. Res. Add.
20228460		Empire Telecom USA, LLC	S Penora St	Cell Tower - Alteration
20228467		Spoleta Construction Corp.	375 Harris Hill Rd	Er. Comm. Bldg.
20228531		MPR Properties of WNY LLC	1913 Como Park Blvd	Er. Deck (V/L)
20228535		The Vinyl Outlet Inc.	225 Warner Rd	Er. Deck
20228551		Sitzmans Appliance Center	1129 Penora St	Inst. Generator
20228552		Sitamans Appliance Center	11 Pinetree Dr	Inst. Generator
20228560		Titan Fence of WNY	82 Stony Brook Dr	Er. Fence
20228564		Cortese Brothers Construction	35 Saybrook Dr	Er. Deck
20228565		Ulrich Sign Co. Inc.	473 Aurora St	Er. Sign - Wall
20228568		Colley's Pool Sales Inc.	53 Hidden Meadow Cros	Er. Pool-In Grnd
20228569		Steven Simme	75 Central Ave	Er. Comm. Add./Alt(V/L)
20228570		Ivy Lea Constuction Inc.	36 Stephens Ct	Er. Res. Alt. (V/L)
20228571		Forbes Homes, Inc.	31 Deepwood Pl	Er. Dwlg.-Sin.
20228572		Franks Commercial & Home	11 Fifth Ave	Inst. Res. Plumbing (V/L)
20228574		KCM Custom Built Garage Inc.	86 Transit Blvd	Er. Garage
20228576		Schuster Construction LLC	90 S Irwinwood Rd	Re-Roof (V/L)
20228577		Schuster Construction LLC	2143 Como Park Blvd	Re-Roof (V/L)
20228578		4M Handyman	60 Garfield St	Dem. Rear Struc. (V/L)
20228579		Thrifty Roofs LLC	77 Central Ave	Re-Roof (V/L)
20228580		Thrifty Roofs LLC	75 Central Ave	Re-Roof (V/L)
20228581		McGrath Carpentry	17 Crabapple Ln	Er. Deck
20228582		Capital Fence Co.	264 Miller Ave	Er. Fence
20228583		LJ Construction WNY LLC	20 Grafton Ct	Re-Roof
20228584		LJ Construction WNY LLC	29 Willow Ridge Ct	Re-Roof
20228585		LJ Construction WNY LLC	3459 Walden Ave	Re-Roof (V/L)
20228589		Sahlems Roofing & Siding Inc.	1200 Commerce Pkwy	Re-Roof (V/L)
20228590		Premier Fencing LLC	21 Gale Dr	Er. Fence
20228591		Tuff Shed Inc.	6 Pear Tree Ln	Er. Shed
20228592		John Mallia	6 Pondview Ct	Re-Roof
20228593		Buzyniski Electric Inc.	7 Sedge Run	Inst. Generator
20228594		Martin Whiteford	5643 Broadway	Er. Garage (V/L)
20228597		Erie Construction Mid-west Inc	1089 Ransom Rd	Re-Roof
20228598		Erie Construction Mid-West Inc	3553 Walden Ave	Re-Roof (V/L)
20228599		Black Rock Roofing	0 Forestream Dr	Re-Roof
20228600		Complete Security Inc.	2655 Wehrle Dr	Er. Comm. Add./Alt.
20228601		Zenner & Ritter Co. Inc.	15 Pheasant Run Ln	Inst. Generator
20228602		Zenner & Ritter Co. Inc.	1120 Townline Rd	Inst. Generator
20228603		Bradley Bassano	35 Camner Ave	Er. Res. Alt. (V/L)
20228604		Sturdi Buildt Sheds LLC	65 Quail Run Ln	Er. Shed
20228607		Allan Zollitsch	37 Taft Ave	Re-Roof
20228608		Erie Construction Mid-West	5598 Genesee St	Re-Roof
20228609		Erie Construction Mid-West	119 Spohn Dr	Re-Roof
20228610		Joan Bradley	39 Lake Ave	Re-Roof (V/L)
20228611		Capital Heat Inc.	43 Apple Blossom Blvd	Inst. Generator
20228612		ECC Electrical Construction	84 Michaels Walk	Inst. Generator
20228614		Paul Faleski	3553 Walden Ave	Er. Shed (V/L)
20228617		Shamrock Contracting	54 S Irwinwood Rd	Re-Roof (V/L)
20228618		Doris Wisniewski	101 Pardee Ave	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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

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**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated November 7, 2022, has requested the addition of one (1) member to the roster of said fire association.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

**ADDITION:**

Mark Hjalmarson

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

November 21, 2022

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

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

**WHEREAS**, a proposed Local Law of the year 2022 has been introduced, entitled **“ESTABLISHING A LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAM”**, which will amend the Code of the Town of Lancaster by repealing the current “Chapter 140. Construction Codes, Uniform,” within the Town of Lancaster’s Town Code in its entirety and replacing it with a newly revised “Chapter 140. Code Enforcement Program” in order to comply with New York State requirements, and

**WHEREAS**, the proposed local law of 2022 shall be in the form attached hereto and made a part hereof, and

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

**NOW, THEREFORE,**

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

1. A public hearing for the proposed Local Law is hereby set for the 5<sup>th</sup> day of December 2022 at 7:05 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 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 of the Town Board of the Town of Lancaster, adopted November 21, 2022, the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of December, 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 of Lancaster Town Code by repealing the current “Chapter 140. Construction Codes, Uniform,” in its entirety and replacing it with a newly revised “Chapter 140. Code Enforcement Program” in order to comply with New York State requirements. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town’s website <https://www.lancasterny.gov>. 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 24, 2022**

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

**A Local Law for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) pursuant to section 10 of the Municipal Home Rule Law.**

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

**Section 1:** Chapter 140. Construction Codes, Uniform, of the Town of Lancaster Town Code is hereby deleted in its entirety.

**Section 2:** The Town of Lancaster Town Code is hereby amended to add Chapter 140. Code Enforcement Program, to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

**Chapter 140. Code Enforcement Program**

140-1. Purpose And Intent

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town of Lancaster. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

140-2. Definitions

In this local law, the following terms shall have the meanings shown in this section:

**Assembly Area** shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

**Building Permit** shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

**Certificate of Compliance** shall mean a document issued by the Town of Lancaster stating that work was done in compliance with approved construction documents and the Codes.

**Certificate of Occupancy** shall mean a document issued by the Town of Lancaster certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town of Lancaster, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

**Code Enforcement Officer** shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

**Code Enforcement Personnel** shall include the Code Enforcement Officer and all Inspectors.

**Codes** shall mean the Uniform Code and Energy Code.

**Energy Code** shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

**FCNYS** shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.



**Fire Safety and Property Maintenance Inspection** shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

**Hazardous Production Materials** shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

**Inspector** shall mean an inspector appointed pursuant to subdivision (d) of section 3 of this local law.

**Mobile Food Preparation Vehicles** shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

**Operating Permit** shall mean a permit issued pursuant to section 10 of this local law. The term *Operating Permit* shall also include an Operating Permit which is renewed, amended, or extended pursuant to any provision of this local law.

**Order to Remedy** shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this local law.

**Permit Holder** shall mean the Person to whom a Building Permit has been issued.

**Person** shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

**PMCNYS** shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

**RCNYS** shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

**Repair** shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

**Stop Work Order** shall mean an order issued pursuant to section 6 of this local law.

**Sugarhouse** shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

**Temporary Certificate of Occupancy** shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

**Town** shall mean the Town of Lancaster.

**Uniform Code** shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

**Village** shall mean the Village of Lancaster.

140-3. Code Enforcement Officer and Inspectors

A. The Office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this local law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and the plans, specifications, and construction documents submitted with such applications.
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits.
- (3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law.
- (4) to issue Stop Work Orders.
- (5) to review and investigate complaints.
- (6) to issue orders pursuant to subdivision (a) of section 17 (Violations) of this local law.
- (7) to maintain records.
- (8) to collect fees as set by the Town Board of this Town of Lancaster.
- (9) to pursue administrative enforcement actions and proceedings.
- (10) in consultation with this Town of Lancaster's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this local law.
- (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

B. The Code Enforcement Officer shall be appointed by the Lancaster Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Lancaster Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

- D. One or more Inspectors may be appointed by the Lancaster Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town of Lancaster.

#### 140-4. Building Permits.

- A. **Building Permits Required.** A Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Town of Lancaster.
- B. This subdivision is intentionally omitted.
- C. This subdivision is intentionally omitted.
- D. **Applications for Building Permits.** Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
  - (1) a description of the location, nature, extent, and scope of the proposed work.
  - (2) the tax map number and the street address of any affected building or structure.
  - (3) the occupancy classification of any affected building or structure.
  - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.
  - (5) at least 2 sets of construction documents (drawings and/or specifications) which:
    - (i) describe the location, nature, extent, and scope of the proposed work;
    - (ii) show that the proposed work will conform to the applicable provisions of the Codes;
    - (iii) show the location, construction, size, and character of all portions of the means of egress;
    - (iv) show a representation of the building thermal envelope;
    - (v) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
    - (vi) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;
    - (vii) include a written statement indicating compliance with the Energy Code;
    - (viii) include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and
    - (ix) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education

Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

- E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp, or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
  
- F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
  
- G. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
  
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
  
- I. Time limits. Building Permits shall become invalid unless the authorized work is commenced within 6 months following the date of issuance. Building Permits shall expire 12 months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
  
- J. Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

140-5. Construction Inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) work site prior to the issuance of a Building Permit.
  - (2) footing and foundation.
  - (3) preparation for concrete slab.
  - (4) Framing.
  - (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building.
  - (6) fire resistant construction.
  - (7) fire resistant penetrations.
  - (8) solid fuel burning heating appliances, chimneys, flues, or gas vents.
  - (9) inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls.
  - (10) installation, connection, and assembly of factory manufactured buildings and manufactured homes.
  - (11) a final inspection after all work authorized by the Building Permit has been completed.
- C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed

until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

- E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

#### 140-6. Stop Work Orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

- B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail ; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder, and any other Person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

- E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 17 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

#### 140-7. Certificates of Occupancy and Certificates of Compliance

- A. Certificates of Occupancy and Certificates of Compliance required. A Certificate of Occupancy or Certificate of Compliance shall be required for any work which is the

subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy or Certificate of Compliance.

B. Issuance of Certificates of Occupancy and Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy or Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure, or work prior to the issuance of a Certificate of Occupancy or Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy or Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy or Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections.
- (2) flood hazard certifications.
- (3) a written statement of the results of tests performed to show compliance with the Energy Code.
- (4) where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

C. Contents of Certificates of Occupancy and Certificates of Compliance. A Certificate of Occupancy or Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any.
- (2) the date of issuance of the Building Permit, if any.
- (3) the name (if any), address and tax map number of the property.
- (4) if the Certificate of Occupancy or Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy or Certificate of Compliance is issued.
- (5) the use and occupancy classification of the structure.
- (6) the type of construction of the structure.
- (7) the occupant load of the assembly areas in the structure, if any.
- (8) any special conditions imposed in connection with the issuance of the Building Permit.
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy or Certificate of Compliance and the date of issuance.

- D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed 6 months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy, Certification of Compliance, or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in 140-18 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance, or for temporary Certificate of Occupancy.

#### 140-8. Notification Regarding Fire or Explosion.

The Fire Chief of any Fire Department providing firefighting services for a property within this Town of Lancaster shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

#### 140-9. Unsafe Buildings, Structures, and Equipment and Conditions of Imminent Danger

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Town of Lancaster shall be identified and addressed in accordance with the procedures established by Local Law Chapter 115 as now in effect or as hereafter amended from time to time, as described in Chapter 115 Buildings, Unsafe.

#### 140-10. Operating Permits.

- A. Operating Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:
- (1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS.
  - (2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:



- i. Chapter 22, “Combustible Dust-Producing Operations.” Facilities where the operation produces combustible dust.
- ii. Chapter 24, “Flammable Finishes.” Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS.
- iii. Chapter 25, “Fruit and Crop Ripening.” Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas.
- iv. Chapter 26, “Fumigation and Insecticidal Fogging.” Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling.
- v. Chapter 31, “Tents, Temporary Special Event Structures, and Other Membrane Structures.” Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS.
- vi. Chapter 32, “High-Piled Combustible Storage.” High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage.
- vii. Chapter 34, “Tire Rebuilding and Tire Storage.” Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant.
- viii. Chapter 35, “Welding and Other Hot Work.” Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling.
- ix. Chapter 40, “Sugarhouse Alternative Activity Provisions.” Conducting an alternative activity at a sugarhouse.
- x. Chapter 56, “Explosives and Fireworks.” Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270; and with Town Code, Chapter 178 Fireworks and Explosives.
- xi. Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces.” Conducting open burning, not including recreational fires and portable outdoor fireplaces.
- xii. Section 308, “Open Flames.” Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies.
- xiii. Section 319, “Mobile Food Preparation Vehicles.” Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Local Law Number as now in effect or as hereafter amended from time to time.

(3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.

- (4) buildings containing one or more assembly areas.
- (5) outdoor events where the planned attendance exceeds 1,000 persons.
- (6) facilities that store, handle or use hazardous production materials.
- (7) parking garages as defined in subdivision (a) of section 13 of this local law.
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town of Lancaster.
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Town Board of this Town of Lancaster.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- B.** Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C.** This subdivision is intentionally omitted.
- D.** Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Town of Lancaster sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.
- E.** Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in their discretion, issue a single Operating Permit to apply to all such activities.

**F. Duration of Operating Permits.** Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

- (1) 180 days for tents, special event structures, and other membrane structures.
- (2) 60 days for alternative activities at a sugarhouse.
- (3) 3 years for the activities, structures, and operations determined per paragraph (9) of subdivision (a) of this section.
- (4) 1 year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

**G. Revocation or suspension of Operating Permits.** If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

**H. Fee.** The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

#### 140-11. Fire Safety and Property Maintenance Inspections

**A. Fire Code Operational Permits:**

- (1) Fire Code Operational Permits shall be required for any Occupancy regulated by Fire Safety and Property Maintenance Inspection requirements.
- (2) Applications for permits under this article shall be made to the Building Inspector of the Town of Lancaster with payment of the required permit fee to the Town Clerk. Upon approval of the permit application, the Building Inspector shall issue a permit to the applicant, which permit shall specify:
  - (a) The activity or operation for which the permit is issued.
  - (b) The address and location where the activity or operation is to be conducted.
  - (c) The name and address of the permittee.
  - (d) The permit number and date of issuance.
  - (e) The period of permit validity.
- (3) Transferability. Permits shall not be transferable, and any change in activity, operation, location, ownership or use shall require a new permit.
- (4) Permit Term. Permits shall be valid for a period of time specified in (a) (1)-(3) below and shall, in any case, be valid for no longer than the time specified or until revoked by the Building Inspector for transfer violation, as defined in Subsection A (2) of this section, or destruction of the premises.
- (5) Location. Permits shall be conspicuously posted on the premises covered by the permit.
- (6) Revocation. Permits may be revoked when it is determined that there is a violation of any condition under which the permit is issued or where there has been misrepresentation or falsification of material facts in connection with the permit application.

- B. Inspections required. Fire Safety and Property Maintenance Inspections of buildings and structures shall be performed by the Code Enforcement Officer, or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) at least once every 12 months for building which contain an assembly area.
  - (2) at least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities.
  - (3) at least once every 36 months for multiple dwellings and all nonresidential occupancies.
- C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
- D. Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner.
  - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
  - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist.
- provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- E. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

- (1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e).
  - (2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection.
  - (3) such inspections are performed no less frequently than once a year.
  - (4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer.
  - (5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by 140-17 (Violations) of this local law.
- E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

#### 140-12. Complaints

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.
- B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 17 (Violations) of this local law.
- C. if appropriate, issuing a Stop Work Order.
- D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

#### 140-13. Condition Assessments of Parking Garages.

- A. Definitions. For the purposes of this section:

- (1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.
- (2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.
- (3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - (i) buildings in which the only level used for parking or storage

of motor vehicles is on grade.

- (ii) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
- (iii) a townhouse unit with attached parking exclusively for such unit.

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS.

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town of Lancaster, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- C. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
- (2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:
  - (i) if originally constructed prior to January 1, 1984, then prior to October 1, 2019.
  - (ii) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
  - (iii) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.
- (3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six (6) months after the effective date of this local law.

D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

E. Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town of Lancaster becomes aware of any new or increased deterioration which, in the judgment of the Town of Lancaster, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town of Lancaster to be appropriate.

F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town of Lancaster within 30 days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure.

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure.

(3) an evaluation and description of the unsafe conditions.

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions.

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions.

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions.

(7) the responsible professional engineer's recommendation regarding preventative maintenance.

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report.

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which

the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

- G. Review Condition Assessment Reports. The Town of Lancaster shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town of Lancaster shall, by Order to Remedy or such other means of enforcement as the Town of Lancaster may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town of Lancaster to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- H. The Town of Lancaster shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town of Lancaster with a written statement attesting to the fact that he or she has been so engaged, the Town of Lancaster shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town of Lancaster shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.
- I. This section shall not limit or impair the right or the obligation of the Town of Lancaster:
- (1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this local law.
  - (2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and/or
  - (3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town of Lancaster by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

#### 140-14. Climatic and Geographic Design Criteria.

- A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town of Lancaster as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:
- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature.
  - (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design



Criteria Table found in Chapter 3 of the RCNYS.

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Floodway Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

#### 140-15. Record Keeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied.
- (2) all plans, specifications and construction documents approved.
- (3) all Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued.
- (4) all inspections and tests performed.
- (5) all statements and reports issued.
- (6) all complaints received.
- (7) all investigations conducted.
- (8) all condition assessment reports received.
- (9) all fees charged and collected; and
- (10) all other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this local law.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

#### 140-16. Program Review and Reporting.

A. The Code Enforcement Officer shall annually submit to Town Board of this Town of Lancaster a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 14 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town of Lancaster, on a form prescribed by the Secretary of State, a report of the activities of this Town of Lancaster relative to administration and enforcement of the Uniform Code.

- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town of Lancaster is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

#### 140-17: Violations

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_\_ [*specify date*], which is thirty (30) days after the date of this Order to Remedy.”

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

- B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

- C. Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this local law or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order,

Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town of Lancaster.

- D. Injunctive Relief. An action or proceeding may be instituted in the name of this Town of Lancaster, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town of Lancaster, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town of Lancaster.
- E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

#### 140-18: Fees

A fee schedule shall be established by resolution of the Town Board of this Town of Lancaster. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

#### 140-19. Intermunicipal Agreements.

The Town Board of this Town of Lancaster may, by resolution, authorize the Lancaster Town Supervisor of this Town of Lancaster to enter into an agreement, in the name of this Town of Lancaster, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

140-20. Partial Invalidity

Should any provision of this Local Law be declared by the courts to be unconstitutional, invalid, or ineffective such decision shall not be deemed to affect, impair, or invalidate the remainder of the local law.

140-21. Effective Date.

This Local Law shall be effective upon its filing with 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 MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

6

**WHEREAS**, Paul Fix of **Fix Associates, LLC**, on behalf of **Classic Tube**, has submitted an amended site plan for the proposed development of an 18,800 sq. ft. building and 7,483 sq. ft. paved parking area, which included a location map dated June 28, 2022 and drawing A-1 dated August 20, 2022 with a revision date of June 13, 2022 prepared by James A. Rumsey Architect and both received June 28, 2022; a Topographic Survey dated March 2, 2022, and drawing C-100 dated June 22, 2022 prepared by Bissell Stone Associates and both received on June 28, 2022; and lastly drawings including a Cover sheet, C-101, C-102, C-201, and C-202, all prepared by Christopher Andrzejewski, P.E. dated June 22, 2022 and received September 19, 2022 for the expansion of current operations at the existing site located at 80 Rotech Drive (SBL No.83.00-5-2.121) in the Town of Lancaster, and

**WHEREAS**, the amended site plan for this project was submitted to the Planning Board and was recommended for approval at their October 5, 2022 meeting, and

**WHEREAS**, the Planning Board completed an environmental review on October 5, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as Lead Agency issued a Negative Declaration on October 17, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the amended site plan submitted by Paul Fix of **Fix Associates, LLC**, on behalf of **Classic Tube**, for the proposed development of an 18,800 sq. ft. building and 7,483 sq. ft. paved parking area, which included a location map dated June 28, 2022 and drawing A-1 dated August 20, 2022 with a revision date of June 13, 2022 prepared by James A. Rumsey Architect and both received June 28, 2022; a Topographic Survey dated March 2, 2022, and drawing C-100 dated June 22, 2022 prepared by Bissell Stone Associates and both received on June 28, 2022; and lastly drawings including a Cover sheet, C-101, C-102, C-201, and C-202, all prepared by Christopher Andrzejewski, P.E. dated June 22, 2022 and received September 19, 2022 for the expansion of current operations at the existing site located at 80 Rotech Drive (SBL No.83.00-5-2.121) in the Town of Lancaster with the following conditions:

1. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
2. Private Improvement Permit will be required to initiate construction.

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

November 21, 2022

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

7

**WHEREAS**, the Town Board is considering the 2-lot minor subdivision application submitted by Keith A. Wilkinson from an existing +/- 4.13 acre-parcel (SBL No. 94.00-3-34) located at 10 Lancaster Parkway, in the Town of Lancaster, and

**WHEREAS**, the Town of Lancaster Planning Board has reviewed the environmental impact of this subdivision project pursuant to SEQR regulations at their meeting on November 2, 2022, and recommended that a Negative Declaration be issued, and

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

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

**WHEREAS**, the proposed action has been labeled an "Unlisted" action under SEQRA.

**NOW, THEREFORE,**

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

1. This project is described as a 2-lot minor subdivision submitted by Keith Wilkinson from an existing +/- 4.13 acre-parcel (SBL No. 94.00-3-34) located at 10 Lancaster Parkway, 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; for this reason the Town 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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

**NEGATIVE DECLARATION**  
**Determination of Non-Significance**

**Town of Lancaster Town Board**

**Dated: November 21, 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 Board of the Town of Lancaster has reviewed the 2-lot minor subdivision submitted by Keith Wilkinson from an existing +/- 4.13 acre-parcel (SBL No. 94.00-3-34) located at 10 Lancaster Parkway; and 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:** Minor Subdivision #10 Lancaster Parkway (Proj. #3773)

**Location of Action:** 10 Lancaster Parkway (SBL No. 94.00-3-34), Lancaster, New York 14086, Erie County.

**SEQR Status:** Unlisted

**Description of Action:** Minor Subdivision – Lot split: existing 4.13-acre property (zoned Light Industrial) is proposed to be split into two (2) lots each in accordance with zoning requirements for lots within the LI zoning classification.

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

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

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **Small Impact. Portions of the property or adjoining lands contain wetlands or waterbodies regulated by a Federal, State or Local agency.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **Small impact.**
11. Will the proposed action create a hazard to environmental resources or human health? **No impact.**

**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 8  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS**, a Public Hearing was held on November 7, 2022, on the petition of Lucas James, for the rezone of a parcel of land located at 5827 Broadway (S.B.L. No. 116.31-1-3), Lancaster, New York from a Light Commercial (LC) to Multifamily Residential Mixed-Use District (MFMU), and

**WHEREAS**, the Town Planning Board has completed an environmental review for the project on October 5, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on November 7, 2022, and

**WHEREAS**, the Planning Board of the Town of Lancaster recommended approval of the rezone at its October 17, 2022 meeting, and

**WHEREAS**, notices of said Public Hearings were duly published and posted, and

**WHEREAS**, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto.

**NOW, THEREFORE,  
BE IT RESOLVED,**

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a from a Light Commercial (LC) to Multifamily Residential Mixed-Use District (MFMU) with the following condition:

- That Site Plan (#2210) be approved. Should extensive changes be indicated on subsequent site plan submissions the Town reserves the right to rescind this rezone and return the real property herein described to its original zoning.

**5827 Broadway (SBL No. 116.31-1-3)**

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 1, Section 7, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the intersection of the easterly line of Bowen Road (66 feet wide) with the most southerly corner of lands acquired by the State of New York for highway purposes, being Map No. 64-1 Parcel No. 64, S.H. 917 recorded in Liber 5850 of Deeds at page 321; thence northeasterly along the southerly line of said State of New York lands so acquired 79.80 feet to a point therein; thence continuing northeasterly along southerly line of said State of New York lands so acquired 142.22 feet to the westerly line of lands conveyed to Southern Oil Company of New York, Inc., by deed recorded in Erie County Clerk's Office in Liber 7498 of Deeds at page 145; thence southerly along the westerly line of said lands so conveyed to Southern Oil Company of New York, Inc., being parallel with east line of lands conveyed to Carl and Mary Meyer by deed recorded in Liber 1667 of Deeds at page 567, a distance of 300 feet to the southwesterly corner of said Southern Oil Company of New York Inc. lands; thence westerly a distance of 201.4 feet to an iron pipe, in the easterly line of Bowen Road (66 feet wide) a distance of 215.0 feet southerly from the point of beginning; thence northerly along said easterly line of Bowen Road 215.0 feet to the point or place of beginning.

Property to be rezoned from LC to MFMU consists of approximately 1.23 acres.

2. That said Ordinance Amendment be added in the Minutes of the meeting of the Town Board of the Town of Lancaster held on the 21<sup>st</sup> day of November 2022;
3. That a certified copy thereof be published in the Official Newspaper of Town of Lancaster pursuant to Town Law;
4. That Affidavits of Publication be filed with the Town Clerk; and
5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

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

November 21, 2022

**LEGAL NOTICE  
ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
LUCAS JAMES, 5827 BROADWAY (S.B.L. NO. 116.31-1-3), TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Zoning Ordinance of the Town of Lancaster is hereby amended, and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from Light Commercial (LC) to Multifamily Residential Mixed Use (MFMU) for the property known as 5827 Broadway (S.B.L. No. 116.31-1-3) within the Town of Lancaster, New York.

**November 24, 2022**

**STATE OF NEW YORK :**  
**COUNTY OF ERIE : ss:**  
**TOWN OF LANCASTER:**

**THIS IS TO CERTIFY** that I, Diane M. Terranova, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 21<sup>st</sup> day of November 2022 and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto signed my hand and affixed the Seal of said Town this 21<sup>st</sup> day of November 2022.

\_\_\_\_\_  
**Diane M. Terranova, Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED 9  
BY COUNCIL MEMBER MAZUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER, TO WIT:

**WHEREAS**, Lucas James, has submitted a site plan application for approval which contains drawings A2 dated January 30, 2022 & A3 dated January 24, 2022 both prepared by Dean Architects, and received April 5, 2022; and drawings C-1, C-3, C-4, C-5, C-6, & C-7 prepared by D E L Resource with final revision dates of March 10, 2022, updated on March 20, 2022, and received March 29, 2022; and drawing C-2 with final revision date of May 12, 2022 and updated on May 12, 2022, and received May 13, 2022 for the proposed construction of a mixed-use facility to include an approximate 18,000 sq. ft. building, first floor will consist of two (2) ADA approved apartments and three (3) retail/professional office spaces including a coffee shop with a drive-thru to be located at 5827 Broadway (SBL No. 116.31-1-3) 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 15, 2022 meeting, and

**WHEREAS**, the Town Planning Board has completed an environmental review for the project on April 20, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on May 16, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Lucas James which contains drawings A2 dated January 30, 2022 & A3 dated January 24, 2022 both prepared by Dean Architects, and received April 5, 2022; and drawings C-1, C-3, C-4, C-5, C-6, & C-7 prepared by D E L Resource with final revision dates of March 10, 2022, updated on March 20, 2022, and received March 29, 2022; and drawing C-2 with final revision date of May 12, 2022 and updated on May 12, 2022, and received May 13, 2022 for the proposed construction of a mixed-use facility to include an approximate 18,000 sq. ft. building, the first floor will consist of two (2) ADA approved apartments and three (3) retail/professional office spaces including a coffee shop with a drive-thru to be located at 5827 Broadway (SBL No. 116.31-1-3) in the Town of Lancaster, with the following conditions:

1. Approval is only for “Option B” relating to the location of the dumpster, which will be located and remain on property owned by the applicant.
2. A Private Improvement Permit will be required to initiate construction.
3. Contractor to provide an “As-built” survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
4. Applicant shall address comments provided by the NYS Department of Transportation in their memorandum dated April 6, 2022 which shall be incorporated and verified in items 2 and 3 above.
5. A Performance Bond shall be provided in accordance with § 400-75 ( E ) of the Town Code 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

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

10

**WHEREAS**, Keith A. Wilkinson, has submitted an application for a Special Use Permit for the storage of recreational vehicles on premises locally known as 10 Lancaster Parkway (SBL No. 94.00-3-34), within the Town of Lancaster, New York, currently zoned Light Industrial (LI), and

**WHEREAS**, in accordance with the provisions of Chapter 400, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(v) of the Code of the Town of Lancaster, any public storage and warehouse storage facilities are required to obtain a Special Use Permit within that zoning classification.

**NOW, THEREFORE,**

**BE IT RESOLVED, as follows:**

That pursuant to Chapter 400-Zoning, Article XIV Administration and Enforcement, Section 78 Special use permits, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit to allow storage of recreational vehicles on premises locally known as 10 Lancaster Parkway (SBL No. 94.00-3-34), Lancaster, New York will be held on the 5<sup>th</sup> day of December, 2022 at 7:05 o'clock P.M. Local Time, and the notice of the time and place of such hearing 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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

**LEGAL NOTICE**

**PUBLIC HEARING**

**TOWN OF LANCASTER SPECIAL USE PERMIT**

**10 LANCASTER PARKWAY**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 400 Article XIV Administration and Enforcement, Section 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 21<sup>st</sup> day of November, 2022 the Town Board will hold a Public Hearing on the **5<sup>th</sup> day of December 2022** at 7:05 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Keith A. Wilkinson, for a Special Use Permit to store recreational vehicles on premises locally known as 10 Lancaster Parkway (SBL No. 94.00-3-34), Lancaster, New York, County of Erie, State of New York.

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

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

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

November 24, 2022

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR RUFFINO,  
MOVED ITS ADOPTION,  
COUNCIL MEMBER,

WHO  
SECONDED BY  
TO WIT:

11

**WHEREAS**, the Town of Lancaster in the State of New York celebrates our local small businesses and the contributions they make to our local economy and community, and

**WHEREAS**, the Town of Lancaster is committed to serving small business constituents, and

**WHEREAS**, small businesses employ 46.8 percent of the employees in the private sector in the United States, and

**WHEREAS**, Lancaster New York supports our local businesses that create jobs, boost our local economy, and preserve our neighborhoods, and

**WHEREAS**, Small Business Saturday, which is the Saturday after Thanksgiving and falls between Black Friday and Cyber Monday, is essential in preserving neighborhoods that compose the landscape of our local economy and enrich its unique culture, and

**WHEREAS**, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday, 70 % report the day makes them want to encourage others to Shop Small independently owned retailers, and 66% report the day makes them want to encourage others to Shop Small all year long.

**NOW, THEREFORE,**

**BE IT RESOLVED**, the Town Board of the Town of Lancaster hereby proclaims, November 26, 2022, as **SMALL BUSINESS SATURDAY**, and urges the residents of our community, to support small businesses and merchants on **SMALL BUSINESS SATURDAY** and throughout the year.

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

November 21, 2022

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

12

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

**WHEREAS**, a proposed Local Law of the year 2022 has been introduced, entitled “**CHAPTER 258. PERMIT AND APPLICATION FEES REVISION**”, which will amend the Code of the Town of Lancaster by repealing the current “Chapter 258. Permit and Application Fees” within the Town of Lancaster’s Town Code in its entirety and replacing it with a revised “Chapter 258. Permit and Application Fees” in order to comply with New York State standards, and

**WHEREAS**, the proposed local law of 2022 shall be in the form attached hereto and made a part hereof, and

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

**NOW, THEREFORE,**

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

1. A public hearing for the proposed Local Law is hereby set for the 5<sup>th</sup> day of December 2022 at 7:05 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 BURKHARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 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 of the Town Board of the Town of Lancaster, adopted November 21, 2022, the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of December, 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 of Lancaster Town Code by repealing the current “Chapter 258. Permit and Application Fees” in its entirety and replacing it with a revised “Chapter 258. Permit and Application Fees” in order to comply with New York State standards. Copies of the proposed Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours an on the Town’s website <https://www.lancasterny.gov>. 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 24, 2022**

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

**A Local Law repealing the current and enacting a revised Chapter 258 of the Town of Lancaster Town Code, in its entirety to comply with New York State Standards.**

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

**Section 1:** Chapter 258. Permit and Application Fees, of the Town of Lancaster Town Code is hereby deleted in its entirety.

**Section 2:** The Town of Lancaster Town Code is hereby amended to add revised Chapter 258. Permits and Application Fees, to the Code, in order to comply with New York State requirements, which will read in its entirety as follows:

## **Chapter 258. Permit and Application Fees**

### **Article I. General Fees**

#### **§ 258-1 Repealer; amendment.**

The Permit and Application Fees Ordinance heretofore adopted by the Town Board of the Town of Lancaster on October 28, 1958 and known as Chapter 30 of the Code of the Town of Lancaster, is hereby repealed, and the Zoning Ordinance[1] and other ordinances of the Town of Lancaster are hereby amended so as to provide fees for applications and permits. All such fees shall be payable to the Town Clerk at the Town of Lancaster Town Hall.

[1] Editor's Note: See Ch. 400, Zoning.

#### **§ 258-2 Building permits required.**

Before any person shall erect, construct, alter, move, demolish or commence to erect, construct, alter, move or demolish any building or structure within the Town of Lancaster exclusive of the villages therein, such person shall first apply for and obtain a building permit from the Building Inspector upon the prescribed form.

- A. Work started without a permit will be assessed a fee of \$200.00 minimum or up to 50% of a permit fee.
- B. Where a permit is acquired for the erection of a building for one purpose and it is to be used for a different purpose after it is constructed, approval must be obtained from the Town Board and recorded via resolution which will then direct the Code Enforcement Officer as to issuance or rejection of the Certificate of Occupancy.

#### **§ 258-3 Building permit fees for residential construction.**

- A. One-family dwelling: \$125.
- B. Multiple dwelling: \$125 per unit. Includes two or more dwelling units, townhouses, condominiums, and apartment buildings.
- C. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

#### **§ 258-4 Building permit fees for nonresidential construction.**

- A. New commercial construction: \$0.40 per square foot.
- B. Renovation of existing commercial: \$0.25 per square foot.
- C. Communication towers.
  - (1) Communication towers: a fee of \$5,000 for a tower up to 150 feet; and for height exceeding 150 feet, an additional cost of \$100 per foot so exceeding 150 feet.
  - (2) Additions to communication towers or communication antennas for commercial use added to an existing building or structure: a fee of \$2,000.

(3) Co-location of communication arrays or antennas on an existing tower or structure: a fee of \$2,000, except on those towers situated on Town-owned property from which the Town derives a co-location fee.

(4) Alterations and modification to existing, Co-location systems: \$40 plus \$5, for each \$1,000, thereof

D. Truss-type construction for new buildings or additions to buildings where additional floor space is added: a fee of \$50, plus the cost of the required sign to be placed on premises identifying this type of construction.

[1]Editor's Note: This local law also provided that from its effective date, the specific fees established in Chapter 258 of the Town of Lancaster Town Code may be amended by resolution of the Town Board, after a public hearing, adopting a schedule of fees, and that said schedule may be adopted as part of the budget process, in which case any public notice as to the budget and public hearing thereon shall also include any changes in the schedule of fees.

## § 258-5 Repairs, alterations, additions and private accessory structures.

A. Existing residential dwelling: \$40, plus \$0.25 per square foot.

B. Garage, porch, deck: \$40, plus \$0.15 per square foot.

C. Fences: \$40, plus \$0.10 per linear foot.

D. Sheds: \$40.

E. Antennas and radio tower: \$40, plus \$0.10 per linear foot.

F. Television dishes three feet wide or greater: \$40.

[Amended 11-15-2010 by L.L. No. 2-2010]

G. Wood stoves and fireplaces: \$40.

H. Pools:

(1) Inground and Above Ground Pools or Spas- \$25, plus \$6 per \$1,000.

(2) Temporary/Storable Pools- \$25

I. Miscellaneous:

<u>Value</u>	<u>Fee</u>
Up to \$100	\$25
\$101 to \$500	\$35
\$501 to \$1,000	\$40
For each \$1,000 or part thereof	\$5

## § 258-6 Certificate of occupancy.

Fees for certificates of occupancy shall be as follows:

A. Change in use & New building.

<u>Value</u>	<u>Fee</u>
Up to \$10,000	\$25
\$10,001 to \$20,000	\$35
\$20,001 to \$50,000	\$40

## § 258-7 Signs.

Fees for signs shall be as follows:

A. Portable ground sign: \$35.

B. All other signs:

<u>Total Face Area</u>	<u>Fee</u>
Up to 25 square feet	\$40
Over 25 square feet	\$40, plus \$0.50 for each additional square foot

## § 258-8 Liquid containers.

Fees for liquid containers shall be as follows:

<u>Capacity (gallons)</u>	<u>Fee</u>
Up to 1,000	\$50
1,000 to 6,000	\$100
6,000 to 12,000	\$150
Excess of 12,000	\$150 plus \$6 per 1,000 gallons thereof

## § 258-9 Moving buildings.

The fees for moving buildings shall be as follows:

A. From one location to another within the Town: \$300:

B. From one location to another without crossing a public thoroughfare: \$25.

C. Crossing public thoroughfare: a surety bond in an amount to be approved by the Town Attorney.

## § 258-10 Gas stations.

The fee for gasoline or fuel oil pumps shall be \$100, plus \$25 per pump.

## § 258-11 Private gas pump.

The fee for a private gas pump shall be \$50.

## § 258-12 Miscellaneous buildings and structures.

The fee for a building permit required for miscellaneous buildings and structures, including but not limited to conveyors, stone crushers, gravel washers, barns or other buildings, shall be \$150.

## § 258-13 Demolition of buildings.

The fee to demolish, wreck or destroy any building or structure shall be as follows:

<u>Cost of Demolition</u>	<u>Fee</u>
Up to \$1,000	\$40
\$1,001 to \$5,000	\$60
\$5,001 or more thereof	\$80 plus \$25, for each \$1,000,

## § 258-14 Zoning Board of Appeals fees.

Zoning Board of Appeals fees:

A. Fees for use and area variances, zoning interpretations, or administrative appeals are set forth as follows:

<u>Type</u>	<u>Residential</u>	<u>Nonresidential</u>
Use variance (single)	\$150	\$225
Area variance (single)	\$150	\$225
Area variance (each additional)	\$12 each	\$12 each

Interpretation	\$150	\$225
Other (administrative appeal)	\$150	\$225

A temporary revocable permit as described in Chapter 400, Zoning, § 400-64D of the Code of the Town of Lancaster: \$100.

### § 258-15 Application for rezoning.

A. The application fees for a rezoning application to the Town Board are as follows:

<u>Type</u>	<u>New Zone: Residential</u>	<u>New Zone: Nonresidential</u>
Base Fee	\$550	\$750
For each acre of the lot size	\$25 per acre	\$45 per acre

B. Required mailings.

In connection with an application for rezoning, the applicant shall, under the direction of the Town Clerk, mail notice, including a copy of the entire rezoning application package, to all property owners within 200 feet of the perimeter of the area proposed to be rezoned. The applicant shall directly pay all costs associated with these mailings. The applicant is required to complete and file an affidavit with the Town Clerk stating that the required mailings were completed in accordance with this subsection.

### § 258-16 Special use permit application.

A. The application fees for special-use permit under Chapter 400, Zoning, of the Code of the Town of Lancaster are as follows:

- (1) Residential: \$350.
- (2) Nonresidential: \$650.

B. The application fee for an application for a special use permit under Chapter 163, Excavations, of the Code of the Town of Lancaster shall be \$5,000.

### § 258-17 Application for approval of subdivision.

Application fees for subdivision approvals:

A. Application fees for the submittal and review of the sketch plan are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

B. Application fees for the submittal and review of the preliminary plat, or amendment of approved preliminary plats, are as follows:

- (1) Base fee: \$550.
- (2) For each lot: \$50.

C. Application fees for the submittal and review of the final plat or amendment of approved final plats, are as follows:

- (1) Base fee: \$225.
- (2) For each lot: \$25.

D. Application fees for the creation of additional lots, where a plat is not being amended: \$100 per lot.

E. Engineering fee: for subdivisions up to four lots: \$500; all other subdivisions: \$750.

## § 258-18 Plumbing work.

A. For each plan filed for a one- or two-family dwelling, the fee shall be as follows:

- (1) One full bathroom: \$15.
- (2) Half bathroom: \$7.50.
- (3) Laundry room or laundry setup: \$7.50.

B. For each plan filed for other structures the fee shall be: \$25, plus the following:

<u>Number of Fixtures</u>	<u>Additional Fee</u>
First 100	\$2.00
Second 100	\$1.50
Third 100	\$1.00
Fourth 100	\$0.50
Over 400	\$0.50

## § 258-19 Hot-water heaters and conductors.

In addition thereto, all applications shall include the following fees:

- A. For each outside conductor: \$1.
- B. For each inside conductor: \$2.
- C. For hot-water heaters under 100 gallons: \$2.
- D. For hot-water heaters over 100 gallons: \$6.
- E. For each reinspection: \$25.

## § 258-20 Public improvement permits; private improvement permits.

A. **Definitions.** The following terms, when used in this section, shall have the meanings herein stated:

### **PRIVATE IMPROVEMENT**

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are not dedicated to the Town but remain in private ownership, shall be considered private improvements.

### **PUBLIC IMPROVEMENT**

The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are dedicated to the Town, shall be considered public improvements.

B. Public and private improvement fees shall be as follows:

[Amended 11-15-2010 by L.L. No. 2-2010]

- (1) The permit fee, due upon application, shall be \$500.
- (2) Inspection fees for public and private improvement permits shall be in sum equal to 8% of the estimated cost of construction.  
[Amended 5-6-2019 by L.L. No. 2-2019]

(3) The application for both public and private improvement permits shall contain a statement by the applicant of the estimated cost of construction, together with an explanation of how this figure is derived. Final determination of estimated cost of construction shall be determined by the Town of Lancaster upon review of the application with proposed plans.

(4) In the event that the actual inspection cost exceeds the 8% collected, the applicant will reimburse the Town for the actual cost of the inspection. Any remaining funds above the actual costs of the Town's inspection shall be returned to the applicant.[1]

[1]Editor's Note: Original Subsection C, Private improvement permit fees, which immediately followed this subsection, was repealed 6-1-2015 by L.L. No. 7-2015.

### § 258-21 Reinspection.

The fee for each reinspection or certificate of occupancy for existing structures shall be \$50.

### § 258-22 Operational permit for seasonal use.

The fee for an operational permit for seasonal use (Christmas trees, etc.) shall be \$40.

### § 258-23 Plumbing fee.

The minimum fee for plumbing shall be:

A. On one application for single-family residence dwelling: \$40.

B. On one application for a two-family or multiple dwelling: \$25 per unit, plus an additional fee for all re-inspections exceeding three.

### § 258-24 Payment of fees to Clerk.

All permit fees are to be paid to the Town Clerk at the time of filing the application for the permit.

### § 258-25 Recreation filing fee.

A. A recreation filing fee shall be paid by the building permit applicant with each residential building permit application, or, in the alternative, at the option of the Town Board, upon the recommendation of the Planning Board, the Town may accept a contribution of land by a subdivision applicant or developer for future development of recreation area, provided that such use will conform generally to the recreational master plan of the Town of Lancaster.

B. The fee schedule where the Town imposes a recreation filing is as follows:

(1) Single-family dwelling: \$1,250 per lot.

(2) Multiple dwelling: \$1,250 for each dwelling unit.

### § 258-26 Tree reforestation fee.

A tree reforestation fee shall be paid into the Tree Restoration Fee Trust Fund by the building permit applicant with each residential or commercial building permit application as follows:

A. Single-family dwelling: \$250 per lot.

B. Multiple dwelling, townhouse, condominium, apartment:

(1) On a dedicated road: \$150 for the first dwelling, plus \$75 for each additional dwelling unit.

(2) On a private road: \$300 per acre or part thereof.

C. Hotels and motels: \$300 per acre or part thereof.

D. Commercial and industrial building: \$300 per acre or part thereof.

### § 258-27 Establishment of improvement values.

The establishment of improvement values shall be as follows:

A. For determining the fee for a certificate of occupancy:

(1) Renovation of existing commercial: \$70 per square foot.

(2) New commercial construction: \$100 per square foot.

(3) Renovation of existing dwelling: \$75 per square foot.

(4) New dwelling construction: \$130 per square foot.

(5) Garages and porches: \$20 per square foot.

B. New commercial construction: \$70 per square foot.

C. Renovation of existing dwelling: \$25 per square foot.

D. New dwelling construction: \$50 per square foot.

E. Garages and porches: \$15 per square foot.

### § 258-28 Severability.

If any section, paragraph, subdivision, clause, phrase or provision of this article shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this article as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

### § 258-29 Conflicting provisions; higher standards to prevail.

Where this article imposes greater restrictions or requires higher standards than any law, ordinance, regulation or private agreement, this article shall control. Where greater restrictions or higher standards are imposed by any law, ordinance, regulation or private agreement, such greater restrictions and higher standards shall control.

### § 258-30 Penalties for offenses.

A. For each and every willful violation of the provisions of this article, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and if such persons cannot be found with due diligence by the officials of this Town, then the lessee or tenant of the premises where such violations have been committed or shall exist shall be guilty of an offense, punishable by a fine of not more than \$250 or imprisonment of 10 days, or both. Such fines shall be levied and collected as like fines are now by law collected.

B. A second conviction under any of the provisions of this article shall, in addition, subject the violator to cancellation of any licenses or permits under this specific ordinance now in existence issued to such person, firm or corporation by the Town of Lancaster.

### § 258-31 Public notice fee.

A. The fee for publication of legal notice in an official newspaper is \$50.

B. Re-advertisement fee: \$50. The applicant's request for postponement may require a re-advertisement fee.

### § 258-32 Transcript fee.

For any proceeding before a Town body for which a transcript is prepared by other than Town staff, the applicant shall pay all costs of transcription and shall provide the Town with a copy of the transcript.

### § 258-33 State Environmental Quality Review Act fees.

The Town is subject to the State Environmental Quality Review Act:[1] In addition to any other fees imposed by this section, to cover professional expenses in reviewing submittals, any application for a non-Type II activity shall, in addition to any other fees imposed, include the following State Environmental Quality Review Act Review fees.

A. Review fee for a short-form EAF: \$100.

B. Review fee for a long-form EAF: \$250.

C. Applications may require the lead agency to engage professional services as part of the review process. Such services may include an engineer, planning consultant or other specialist necessary for the agency to make an informed decision. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of the actual expense incurred. An escrow account shall be established for this purpose by the applicant in an amount suggested by the reviewing board, if it determines that such services are required. Should the required escrow be depleted



before final approval, the applicant will be advised that additional monies must be deposited before review will continue.

[1]Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

## § 258-34 Miscellaneous fees.

- A. Construction trailer fee: \$100.
- B. Temporary certificates of occupancy or other interim certificates (Fee is due in addition to fees for final certificate.): \$25.
- C. Reinspection fees: \$50.
- D. Zoning confirmation letters: \$50.

## § 258-35 Site plan review fee.

- A. **Definitions.** For the purpose of this article, certain terms are defined as follows:

### **DEVELOPMENT AREA**

An area of land permitted by this article to be developed by a single owner or group of owners acting jointly, which may consist of a parcel or assembled parcels planned and developed as an entity.

### **SITE PLAN**

- (1) Any site development plan for residential developments that contain three or more single-family dwellings in a planned cluster development, other than dwellings contained in a subdivision subject to processing under the subdivision regulations of the Town of Lancaster.
- (2) Any site development for residential developments that contain three or more multifamily dwelling units.
- (3) Any site development plan for apartment houses, townhouse units, condominium units or commercial, industrial, recreational, religious or institutional developments.

- B. A site plan review fee is required. Where an application is made to the Town of Lancaster to review or amend a site plan as required by Chapter 400, Zoning, of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

<u>Area (Acres)</u>	<u>Fee</u>
0 to 1	\$600
Greater than 1	\$600 plus \$175 for each additional acre or fraction thereof

## § 258-36 Stormwater pollution prevention plan review and inspection fee.

A stormwater pollution prevention plan review and inspection fee shall be paid by the applicant for the review of the stormwater pollution prevention plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

- A. For single-phase residential and commercial development projects (Scheme A):

<u>Area Acres</u>	<u>Fee</u>
0 to 5	\$500
5 to 10	\$850

Greater than 10 \$850 plus \$300 for each additional 5 acres (or a fraction thereof) over 10

- B. For multiphase residential and commercial development projects (Scheme B):

- (1) When the entire project is first being reviewed and approved by the municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.

(2) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

### § 258-37. Severability

Should a court determine that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is unconstitutional or invalid, such court order or judgement shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, firm, corporation, or circumstance, directly involved in the controversy in which such order or judgement shall be rendered.

### § 258-38. Effective Date.

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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

13

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvement within The Cross Creek Phase VIII Subdivision, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney's Office, by letter to the Town Clerk dated November 7, 2022, has reported his favorable review for the acceptance of this public improvement.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the following completed Street Lighting Public Improvement within The Cross Creek Phase VIII Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 821 - Street Lights

and,

**BE IT FURTHER,**

**RESOLVED**, that a copy of this resolution be directed by the Town Engineer to the New York State Electric & Gas Corporation with a request to energize the streetlights herein.

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

November 21, 2022

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

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster acknowledge the completion of the work regarding Public Improvements within Cross Creek Subdivision, Phase IX within the Town of Lancaster, and

**WHEREAS**, the Town Engineer by letter to the Town Board dated November 1, 2022 has inspected the improvements and has recommended them to be deemed complete, and

**WHEREAS**, the Town Attorney's Office, by letter to the Town Clerk dated November 15, 2022 has reported his favorable review for acknowledging the completion of these public improvements.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that completed Public Improvement No. 842 for Storm Sewer within Cross Creek Subdivision Phase IX be and are hereby approved and acknowledged as complete by the Town Board 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

15

**WHEREAS**, John Pilato, Highway Superintendent of the Town of Lancaster, by letter dated November 14, 2022, has advised the Town Board that the Highway Department is in need of a company to grind and remove brush material at the Genesee Street site location (6219 Genesee Street), and

**WHEREAS**, the Highway Superintendent solicited Request for Proposals from three (3) vendors in accordance with the Town of Lancaster's Procurement Policy, and

**WHEREAS**, the Highway Superintendent has recommended that the Town of Lancaster award the grinding and removal of brush materials at 6219 Genesee Street to Lardon Construction Corp., for an amount not to exceed \$16,350.00 per their proposal dated October 18, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts the proposal dated October 18, 2022, from Lardon Construction, Corp., 108 Lake Avenue, Blasdell, New York 14219 for the purpose of grinding and removing the brush material located at 6219 Genesee Street, Lancaster, at a cost not to exceed \$16,350.00, and which will be paid for with funds available in the Town's 2022 Refuse and Garbage, Contractual Expenses, Collection and Disposal of Brush and Wood Budget (Line item 02-8160-0412), and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor be and is hereby authorized to execute the October 18, 2022 proposal on behalf of the Town.

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

November 21, 2022

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

16

**WHEREAS**, by resolution adopted on June 18, 2018 the Town Board of the Town of Lancaster approved a Special Use Permit Application submitted by Timothy Packman, on behalf of Lancaster Speedway Properties, LLC d/b/a **New York International Raceway Park/Lancaster National Speedway**, to operate a motorsport speedway/drag-way which was amended on September 7, 2021 to allow a venue for small outdoor concerts on premises located at 57 Gunnville Road (SBL No. 83.00-5-4), in the Town of Lancaster, New York, and

**WHEREAS**, Lancaster Speedway Properties, LLC, and real property located at 57 Gunnville Road, has been bought by **Lancaster Motorplex, LLC** who has submitted an application requesting that the Special Use Permit issued to New York International Raceway Park/Lancaster National Speedway, be transferred to **Lancaster Motorplex, LLC**, and

**WHEREAS**, Matt Fischione, Town Code Enforcement officer, inspected the site and found conditions to be in compliance with the originally approved Special Use Permit, and

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed this request and consulted with legal counsel and has determined that the Special Use Permit issued on September 7, 2021 to New York International Raceway Park/Lancaster National Speedway, for location 57 Gunnville Road (SBL No. 83.00-5-4), is allowed to be transferred to **Lancaster Motorplex, LLC** at the same location.

**NOW, THEREFORE,  
BE IT RESOLVED,**

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(2)(q) of the Code of Town of Lancaster the Town Board hereby approves and authorizes the Special Use Permit issued on September 7, 2021 to New York International Raceway Park/Lancaster National Speedway, for location 57 Gunnville Road (SBL No. 83.00-5-4), be transferred to **Lancaster Motorplex, LLC** at the same location for the period beginning November 21, 2022 and ending June 17, 2023, and
2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:
  - A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before June 17, 2023.
  - B. Provide plans and details for crowd management as specified in the 2020 FCNYS, Section 403 and any updated versions thereafter.
  - C. Provide proof of adherence to all New York State Department of Transportation rules, requirements and regulations pertaining to such activity.
  - D. Provide a copy of the business' New York State Tax Employer Identification Number.
  - E. Provide an activity schedule to the Town Clerk and Town Police Department each year prior to the opening of the speedway.

- F. Adhere to the provided activity schedules and provide advance notification of any schedule changes to the Town Clerk and the Town Police Department.
- G. Strictly conform to the specified hours of operation as stated in Chapter 221-Noise (Section 7(D) for motor sport raceway events and Section 7(G) for concerts) of the Code of the Town of Lancaster. Failure to comply will result in penalties as outlined in Chapter 221, Section 8 being imposed.

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

November 21, 2022

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

17

**WHEREAS**, the Town Board of the Town of Lancaster held a public hearing on November 7, 2022, pursuant to Chapter 400-Zoning, Section 78 entitled Special use permits, of the Code of the Town Lancaster, upon the application of **Waldemar Blaszak**, on behalf of **Empire Custom Kitchen Cabinets**, for a Special Use Permit to operate a custom cabinet and countertop manufacturing, storage and retail sales facility on premises locally known as 4401 Walden Avenue (SBL No. 95.00-4-32.112) 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, and

**WHEREAS**, Code Enforcement Officer, Matt Fischione, has reviewed the Special Use Permit application request pursuant to Chapter 400-Zoning, Section 78 and found it to be in compliance with the Zoning District requirements for this location per his letter dated September 14, 2022 and conversation with the Attorney's Office on November 16, 2022.

**NOW, THEREFORE,  
BE IT RESOLVED,**

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(2)(f) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Waldemar Blaszak**, on behalf of **Empire Custom Kitchen Cabinets** to operate a custom cabinet and countertop manufacturing, storage and retail sales facility on premises locally known as 4401 Walden Avenue (SBL No. 95.00-4-32.112) in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance for the period November 21, 2022, through November 20, 2024, and

2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:

- A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before November 20, 2024.
- B. Display area is limited to occupancy of the northern 27 spaces of the parking lot.
- C. Applicant will provide a copy of the business' New York State/Federal Tax Employer Identification Number and when applicable a 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022



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

18

**WHEREAS**, Michelle Barbaro, Deputy Highway Superintendent of the Town of Lancaster, by letter dated November 9, 2022 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Parks, Recreation & Forestry Department.

**NOW, THEREFORE,**

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

<b>NAME</b>	<b>ADDRESS</b>	<b>POSITION</b>	<b>HOURLY RATE</b>	<b>EFFECTIVE DATE</b>
George Besch	Lancaster, NY	Recreation Attendant	\$14.00	November 28 ,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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

19

**WHEREAS**, William J. Karn, Jr., Chief of Police of the Town of Lancaster, has requested the creation of one (1) additional position of Police Captain, Full-Time in the Town of Lancaster Police Department.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create one (1) additional position of Police Captain, Full-Time, in the Police Department.

**BE IT FURTHER,**

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

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

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

November 21, 2022

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

**WHEREAS**, William J. Karn, Jr., Police Chief of the Town of Lancaster, by letter to the Town Board dated November 14, 2022, has recommended the appointment of Nash Braun of Lancaster, New York, to the position of Police Officer, and

**WHEREAS**, Nash Braun 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 Nash Braun, is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective January 9, 2023, 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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

**WHEREAS**, William J. Karn, Jr., Police Chief of the Town of Lancaster, by letter to the Town Board dated November 14, 2022, has recommended the appointment of Jake Kowalski of Lancaster, New York, to the position of Police Officer, and

**WHEREAS**, Jake Kowalski 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 Jake Kowalski, is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective January 10, 2023, 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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

22

**WHEREAS**, Town Justice Elect David S. Stabler of the Town of Lancaster Courts, by letter dated November 15, 2022, has requested authorization for himself to attend the “Taking the Bench Certification Course” in Castleton-On-Hudson, New York from December 5-9, 2022

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Town Justice Elect David S. Stabler of the Town of Lancaster Courts, is hereby authorized to attend the “Taking the Bench Certification Course” in Castleton-on Hudson, New York from December 5-9, 2022.

**BE IT FURTHER,**

**RESOLVED**, that the total cost of attendance for one (1) justice at the above mentioned training course is hereby authorized in an amount not-to-exceed \$1,012.50 for actual and necessary expenses, including the cost of lodging, travel, and meal expenses for five (5) 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022

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

23

**WHEREAS**, the Chair of the Board of Assessment Review of the Town of Lancaster has recommended to the Town Board the appointment of Christopher Guck as a member of the Town of Lancaster Assessment Review Board.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that Christopher Guck, Lancaster, New York be and is hereby appointed a member of the Town of Lancaster Assessment Review Board for the term of December 1, 2022 through September 30, 2027.

**BE IT FURTHER,**

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

**BE IT FURTHER,**

**RESOLVED**, that according to Section 523 of the Real Property Tax Law, the Clerk shall notify the Erie County Director of Real Property Services within twenty (20) days of this appointment.

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

November 21, 2022

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

24

**WHEREAS**, Wm. Schutt and Associates Engineering and Land Surveying, P.C., has submitted a Professional Services Agreement executed on their behalf on November 9, 2022 for the renewal to provide Municipal Engineering Services for the Town of Lancaster, and

**WHEREAS**, the Town Board has reviewed the proposed agreement deems it to be in the public's interest to enter into a three (3) year renewal of the agreement commencing on January 1, 2023 and terminating December 31, 2025, with an optional one (1) year extension to December 31, 2026 unless the Town provides written notification to Wm. Schutt no later than November 30, 2025 that the contract will not be extended.

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a three (3) year renewal of the Professional Services Agreement for Municipal Engineering Service with Wm. Schutt and Associates Engineering and Land Surveying, P.C., 37 Central Avenue, Lancaster, New York 14086, upon the terms and conditions set forth in the proposed renewal agreement which will commence on January 1, 2023 and terminate on December 31, 2025 with an optional one (1) year extension, and

**BE IT FURTHER,**  
**RESOLVED**, that Wm. Schutt and Associates Engineering and Land Surveying, P.C shall provide updated insurance certificates to the Town Attorney's Office on a yearly basis, and that the Town reserves the right to terminate Engineering services at any time, without cause with a ninety (90) days' prior written notice.

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

November 21, 2022

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

25

**WHEREAS**, Keith A. Wilkinson has heretofore submitted an application for approval for a two (2) Lot Split which included a Survey dated April 27, 2022 prepared by Wm Schutt Associates and received July 12, 2022 parcel located at 10 Lancaster Parkway (SBL No. 94.00-3-34), in the Town of Lancaster, and

**WHEREAS**, the Planning Board called for, noticed, and held a public hearing on the proposed minor subdivision on September 7, 2022 where all interested parties were allowed to be heard, and

**WHEREAS**, the Planning Board, completed an environmental review of the project on November 2, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board acting as Lead Agency issued a Negative Declaration on November 21, 2022, and

**WHEREAS**, the minor subdivision plan was submitted to the Planning Board and was recommended for approval at their November 2, 2022 meeting, and

**WHEREAS**, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed minor subdivision.

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

1. That the Town Board of the Town of Lancaster hereby approves the proposed two (2) Lot Split which included a Survey dated April 27, 2022 prepared by Wm Schutt Associates and received July 12, 2022 parcel located at 10 Lancaster Parkway (SBL No. 94.00-3-34), with the following conditions:

- A. Seven (7) copies of the Filed Deeds and Surveys and proof of filing are to be delivered to the Town Clerk's Office.
- B. A corrected Topographical Survey will need to be provided to the Building Department on or before December 27, 2022 in order to receive a Final Certificate of Occupancy.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the copy of the deed and survey and to attend to the filing of the new lot created in the Erie County Clerk'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
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022



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

26

**WHEREAS**, Fred Donato, of Donato of Donato Homes, Inc., has submitted a site plan application which contains an Elevation Drawing (A-2) Created May 26, 2022 and plotted May 27, 2022, and Site Development Drawings including a Cover Sheet dated November 2021 with a final revision date of May 10, 2022 prepared by Carmina, Wood, Morris, DPC, a Topographical Survey dated July 6, 2021 by GPI Engineering, drawings C-001 dated September 29, 2021 with a revision date of May 10, 2022, C-002 dated September 29, 2021, C-100 dated September 29, 2021 with a revision date of February 3, 2022, C-101 dated September 29, 2021 with a final revision date of April 26, 2022, C-102 & C-103 both dated September 29, 2021, C-200 & C-300 both dated September 29, 2021 with a final revision date of April 26, 2022, C-301 & C-302 both dated September 29, 2021, C-400 & 401 & 402 all dated September 29, 2021 with a revision date of April 26, 2022, C-403 & 404 & 405 & 407 all dated September 29, 2021 with a revision date of March 7, 2022, C-406 & 500 & 501 & MPT-1 all dated September 29, 2021, and L-100 dated September 29, 2021 with a revision date of February 8, 2022, all preceding drawings were prepared by Carmina, Wood, Morris DPC, all received on May 31, 2022; for the proposed construction of a Shop and Storage Site to include thirteen (13) storage unit buildings, a storage office building and four (4) warehouse/shop/office buildings with forty-three (43) parking spaces to be located at 5841 Genesee Street (SBL No. 94.00-2-11.11) 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 July 20, 2022 meeting, and

**WHEREAS**, the Town Planning Board has completed an environmental review for the project on January 19, 2022, in conformance with SEQR (State Environmental Quality Review) regulations and the Town Board, acting as lead agency, issued a Negative Declaration on April 18, 2022.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plans submitted by Fred Donato, of Donato of Donato Homes, Inc., which contain an Elevation Drawing (A-2) Created May 26, 2022 and plotted May 27, 2022, and Site Development Drawings including a Cover Sheet dated November 2021 with a final revision date of May 10, 2022 prepared by Carmina, Wood, Morris, DPC, a Topographical Survey dated July 6, 2021 by GPI Engineering, drawings C-001 dated September 29, 2021 with a revision date of May 10, 2022, C-002 dated September 29, 2021, C-100 dated September 29, 2021 with a revision date of February 3, 2022, C-101 dated September 29, 2021 with a final revision date of April 26, 2022, C-102 & C-103 both dated September 29, 2021, C-200 & C-300 both dated September 29, 2021 with a final revision date of April 26, 2022, C-301 & C-302 both dated September 29, 2021, C-400 & 401 & 402 all dated September 29, 2021 with a revision date of April 26, 2022, C-403 & 404 & 405 & 407 all dated September 29, 2021 with a revision date of March 7, 2022, C-406 & 500 & 501 & MPT-1 all dated September 29, 2021, and L-100 dated September 29, 2021 with a revision date of February 8, 2022, all preceding drawings were prepared by Carmina, Wood, Morris DPC, all received on May 31, 2022; for the proposed construction of a Shop and Storage Site to include thirteen (13) storage unit buildings, a storage office building and four (4) warehouse/shop/office buildings with forty-three (43) parking spaces to be located at 5841 Genesee Street (SBL No. 94.00-2-11.11) in the Town of Lancaster, with the following conditions:

1. PIP permit will be required to initiate construction.
2. Contractor to provide an "As-built" survey to the Building Department prior to any Certificates of Compliance/Occupancy being issued.
3. Performance Bond shall be provided in accordance with § 400-75 (E) of the Town Code of the Town of Lancaster.
4. Comments Per the NYS Office of Parks, Recreation and Historic Preservation's letter dated December 23, 2021 regarding Donato Pre-Contact Site Locus 4 (USN 02917.000165) must be implemented and proof provided to the Town.

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

November 21, 2022

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

27

**WHEREAS**, the Town Board of the Town of Lancaster held a public hearing on November 7, 2022, pursuant to Chapter 400-Zoning, Section 78 entitled Special use permits, of the Code of the Town Lancaster, upon the application of **Fred Donato**, on behalf of **Donato Homes, Inc.**, for a Special Use Permit to operate a thirteen (13) unit Storage Building on premises locally known as 5841 Genesee Street (SBL No. 94.00-2-11.11), 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, and

**WHEREAS**, Perl letter dated July 21, 2022, Code Enforcement Officer, Matt Fischione, has reviewed the Special Use Permit application request pursuant to Chapter 400-Zoning, Section 78 and found it to be in compliance with the Zoning District requirements for this location.

**NOW, THEREFORE,  
BE IT RESOLVED,**

1. That pursuant to Chapter 400 Zoning, Article VI Industrial Districts, §400-20 Light Industrial District (LI), (B)(1)(v) of the Code of Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Fred Donato**, on behalf of **Donato Homes, Inc.**, to operate a thirteen (13) unit Storage Building on premises locally known as 5841 Genesee Street (SBL No. 94.00-2-11.11) in the Town of Lancaster, New York, upon the conditions as set forth in the Zoning Ordinance for the period November 21, 2022, through November 20, 2024, and

2. That the applicant will continue in compliance with conditions as set forth in §400-20 Light Industrial District, §400-22 Supplementary regulations for LI District, and §400-78 Special use permits, of the Code of the Town of Lancaster, and to any additional conditions listed herein, as long as the applicant continues to engage in the occupation listed above on the premises namely:

- A. Permit must be renewed every two (2) years at no additional cost to applicant. Renewal is considered upon the property owner submitting a request in writing to the Town Clerk, on or before November 20, 2024.
- B. Storage is shall be solely for insides the facility. There shall be no outside storage of any vehicles, materials, equipment or containers of any type.
- C. Applicant will provide a copy of the business' New York State/Federal Tax Employer Identification Number and when applicable a 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 BURKARD	VOTED
COUNCIL MEMBER DICKMAN	VOTED
COUNCIL MEMBER LEARY	VOTED
COUNCIL MEMBER MAZUR	VOTED
SUPERVISOR RUFFINO	VOTED

November 21, 2022