

PRESENTATION OF PREFILED RESOLUTIONS:

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
September 5, 2023 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

September 18, 2023

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 Supervisor's Office, to wit:

Check Run #09182023

Total amount hereby authorized to be paid: \$431,151.47

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

September 18, 2023

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

Pmt #	SW	Applicant Name	Address	STRUCTURE
	Village			
20228260		JBC Construction LLC	67 Westwood Rd	Er. Pole Barn
20238916		Renov8ters of WNY LLC	5455 Broadway	Er. Res. Add. (V/L)
20238961		Development Inc Lancaster Park	0 Lancaster Pkwy	Er. Comm. Bldg.
20238970		Patrick Uhteg	15 Ellie Ct	Er. Garage
20239077		Michael Kline	33 Weathersfield Ln	Er. Fence
20239368		Beebe Construction Inc.	38 Lombardy St	Er. Deck (V/L)
20239377		Mulvey Construction Inc.	5827 Broadway	Er. Comm. Add./Alt.
20239434		Kenneth Berg	76 Sterling Pl	Er. Garage
20239499		Maria Galante	28 Hillside Pkwy	Er. Garage
20239610		Garland Graphics	192 Erie St	Er. Sign (V/L)
20239618		Cheryl Gullo	101 Elm Pl	Er. Res. Alt. (V/L)
20239689		Zenner & Ritter Co. Inc.	12 Banner Ave	Inst. Generator (V/L)
20239716		Summers & Sons Construction	42 Worthington Ln	Er. Porch/Porch Cover
20239717		Summers & Sons Construction	292 Pleasant View Dr	Er. Porch/Porch Cover
20239721		Mark Dilena	1120 Townline Rd	Er. Deck
20239723		Heritage Home Builders Inc.	148 Fourth Ave	Er. Deck (V/L)
20239736		Dalex Construction Inc.	68 Livingston St	Re-Roof (V/L)
20239738		First Buffalo Total Basement	15 Deepwood Pl	Er. Res. Alt.
20239747		SnS Pro Services LLC	58 Markey Ave	Er. Res. Alt.
20239749		Zenner & Ritter Co., Inc.	17 Beatrix Cir	Inst. Generator
20239754		Frank's Commercial & Home	53 Laverack Ave	Inst. Res. Plumbing (V/L)
20239757		Roy's Plumbing Inc.	78 Markey Ave	Inst. Res. Plumbing
20239760		International Inc.	57 Chestnut Corner	Inst. Generator
20239763		Decks Unlimited Construction	63 Tranquility Trl	Er. Deck
20239764		Spectrum Home Services LLC	4042 Walden Ave	Er. Res. Add.
20239767		Joseph Bish	103 Seneca Pl	Er. Shed
20239770		Sturdi Built Sheds LLC	13 Ryan St	Er. Shed
20239771		Corey Damon	5741 Broadway	Er. Fence
20239772		Patricia Switzer	55 Brunck Rd	Er. Fence
20239774		Krislyn Company LLC	3 Chestnut Corner	Inst. Generator
20239775		Empire Granite & Marble LLC	4401 Walden Ave	Er. Comm. Add./Alt.
20239776		LJ Construction WNY LLC	12 Harold Pl	Re-Roof (V/L)
20239777		LJ Construction WNY LLC	204 Central Ave	Re-Roof (V/L)
20239780		Krieb Roofing & Siding	3481 Walden Ave	Re-Roof (V/L)
20239781		Jacob Pusert	37 Kurtz Ave	Dumpster - Temp. (V/L)
20239782		North Clymer Construction	77 Nichter Rd	Re-Roof
20239783		Roy's Plumbing Inc.	2 Saybrook Dr	Inst. Generator
20239784		Sturdi Built Sheds LLC	55 Rose St	Er. Shed
20239785		H. Youngs Home Improvements	2271 Como Park Blvd	Re-Roof (V/L)
20239786		Clifford Tompkins	82 Holland Ave	Re-Roof (V/L)
20239787		House Crafters LLC	1 Milton Dr	Re-Roof (V/L)
20239790		Graves Bros Inc.	127 Stony Rd	Re-Roof
20239792		Robert Jurewicz	43 Westwood Rd	Inst. Generator
20239794		Hurricane Home Solutions Inc	520 Lake Ave	Inst. Generator
20239795		Zenner & Ritter Co. Inc.	8 Willow Ridge Ct	Inst. Generator
20239796		Zenner & Ritter Co. Inc.	1 Cumberland St	Inst. Generator
20239798		Hurricane Home Solutions Inc.	22 Woodgate Dr	Inst. Generator
20239799		Steven Chizuk	3 Stephens Ct	Er. Fence (V/L)
20239801		HBO Builders West Inc.	345 Stony Rd	Er. Shed
20239802		Kazmar Fence Company Inc.	13 Deepwood Pl	Er. Fence
20239807		Tuff Shed, Inc.	288 Enchanted Forest N	Er. Shed
20239810		Harpreet Singh	1 Heathrow Ct	Er. Fence
20239812		DSS Enterprises Inc.	65-75 Hanover St	Re-Roof
20239814		Fiddler Roofing Inc.	15 Hidden Trl	Re-Roof

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

September 18, 2023

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

4

WHEREAS, David J. Capretto, of Forbes Homes, and Anthony Pandolfe, of Carmina Wood Design, have submitted a revised preliminary plat plan, dated November 15, 2022, and final plat plans submitted June 29, 2023, July 20, 2023, and August 13, 2023, respectively, proposing the construction of Fieldstream subdivision consisting of 40+/- single family homes on a +/- 50.3 acre parcel to be located at 6061 Broadway Street (SBL No. 116.00-2-24.1), on the north side of William Street, with new utilities including street lighting, public water, public sanitary sewer and storm sewer to be installed along the new roadways to serve all of the proposed lots within the Town of Lancaster, Erie County, New York; and

WHEREAS, the Town of Lancaster Planning Board, acting as Lead Agency has completed an environmental review on June 7, 2023, in conformance with the SEQRA (State Environmental Quality Review Act) regulations, and recommended a Negative Declaration; and

WHEREAS, the Town Board of the Town of Lancaster, in conformance with the SEQRA (State Environmental Quality Review Act) regulations, issued a Negative Declaration on June 20, 2023; and

WHEREAS, a public hearing, pursuant to Town Code 400-38H(6)(d), was held on September 18, 2023, affording persons for and against such proposed construction of Fieldstream subdivision an opportunity to be heard.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves the proposed final plat plan submitted August 13, 2023, by David J. Capretto, of Forbes Homes, and Anthony Pandolfe, of Carmina Wood Design for the construction of Fieldstream subdivision consisting of 40+/- single family homes on a +/- 50.3 acre parcel to be located at 6061 Broadway Street (SBL No. 116.00-2-24.1), on the north side of William Street, with new utilities including street lighting, public water, public sanitary sewer and storm sewer to be installed along the new roadways to serve all of the proposed lots within the Town of Lancaster, Erie County, New York.

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

September 18, 2023

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

5

WHEREAS, the Town of Lancaster is making watermain improvements along Genesee Street east of Harris Hill Boulevard; and

WHEREAS, an Agreement is necessary to obtain an easement over the lands of Kevin McGowan; and

WHEREAS, easements are necessary to make these improvements over and upon private lands.

NOW, THEREOFRE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster approves the execution of easement documents and Agreements, as presented, in furtherance of the previously approved watermain infrastructure improvements; and

BE IT FURTHER,

RESOLVED, that the Supervisor is authorized and directed to execute documentation upon Town Attorney approval.

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

September 18, 2023

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

6

WHEREAS, the Town Line Volunteer Fire Department, Inc., by email received September 6, 2023, has requested the deletion of three members from the active roster of said fire association,

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby deletes from the membership of the Town Line Volunteer Fire Department, Inc., the following individuals:

DELETIONS:

Joseph Heary

Rubey Tomaszewski

Justin Mark

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

September 18, 2023

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

WHO
SECONDED BY
TO WIT:

WHEREAS, Marybeth Gianni, Recreation Supervisor – Senior Center of the Town of Lancaster, by letter dated September 8, 2023 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Senior Center.

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

NAME	ADDRESS	POSITION	HOURLY RATE	EFFECTIVE DATE
Joseph Farugia	Depew, NY	Van Driver	\$15.00	September 18, 2023

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

September 18, 2023

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

WHO
SECONDED BY
TO WIT:

WHEREAS, Marybeth Gianni, Recreation Supervisor – Senior Center of the Town of Lancaster, by letter dated September 5, 2023 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Senior Center.

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

NAME	ADDRESS	POSITION	HOURLY RATE	EFFECTIVE DATE
Kevin Wright	Lancaster, NY	Van Driver	\$15.00	September 19, 2023

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

September 18, 2023

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

WHEREAS, Marybeth Gianni, Recreation Supervisor – Senior Center of the Town of Lancaster, by letter dated September 11, 2023 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Senior Center.

NOW, THEREFORE,

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

NAME	ADDRESS	POSITION	HOURLY RATE	EFFECTIVE DATE
Gary Wiegert	Cheektowaga, NY	Van Driver	\$15.00	September 19, 2023

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

September 18, 2023

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

WHO
SECONDED BY
TO WIT:

10

WHEREAS, Detective Captain Jeffrey D. Smith of the Town of Lancaster Police Department, by letter dated September 11, 2023, has requested authorization for one (1) member of the Lancaster Police Department to attend the Interviewing Techniques for Fire Investigator's Seminar in Montour Falls, New York from October 25-27, 2023.

NOW, THEREFORE,

BE IT RESOLVED, that Detective Robert Cornell of the Town of Lancaster Police Department, is hereby authorized to attend the Interviewing Techniques for Fire Investigator's Seminar in Montour Falls, New York from October 25-27, 2023.

BE IT FURTHER,

RESOLVED, that the total cost of attendance for one (1) detective at the above mentioned training course is hereby authorized in an amount not-to-exceed \$530.00 for actual and necessary expenses, including the cost of registration, lodging, travel, and meal expenses for three (3) 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

September 18, 2023

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

WHEREAS, Detective Captain Jeffrey D. Smith of the Town of Lancaster Police Department, by letter dated September 11, 2023, has requested authorization for three (3) members of the Lancaster Police Department to attend the Fire/Arson Investigation Seminar in Montour Falls, New York from November 14-16, 2023.

NOW, THEREFORE,

BE IT RESOLVED, that Detectives Thomas Bulera, Jason Batt, and Grant Gunsher of the Town of Lancaster Police Department, are hereby authorized to attend the Fire/Arson Investigation Seminar in Montour Falls, New York from November 14-16, 2023.

BE IT FURTHER,

RESOLVED, that the total cost of attendance for three (3) detectives at the above mentioned training course is hereby authorized in an amount not-to-exceed \$1,130.00 for actual and necessary expenses, including the cost of registration, lodging, travel, and meal expenses for three (3) 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

September 18, 2023

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

WHEREAS, Ronald Ruffino, Sr., Town Supervisor for the Town of Lancaster, has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

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

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Michaeline White Lancaster, NY	Clerk – Part time	\$20.00	September 18, 2023

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

September 18, 2023

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

13

WHEREAS, the State of New York United Court Systems is soliciting applications from local governments under the Justice Court Assistance Program (JCAP) to assist local Justice Departments with needed equipment, automation, furniture, supplies and security; and

WHEREAS, the Town Board of the Town of Lancaster approved a resolution authorizing application for these grant funds at their September 5, 2023, meeting; and

WHEREAS, the approved resolution identified that the funds are available through the Office of Justice Court Support; and

WHEREAS, the Town Board has been asked to modify the name of the grant source; and

WHEREAS, the Division of Professional and Court Services has made \$30,000.00 available for the 2023-2024 grant cycle; and

WHEREAS, by letter dated August 22, 2023, the Honorable Anthony Cervi and David S. Stabler, Justices of the Justice Court of the Town of Lancaster, have requested authorization to pursue this grant funding to provide furniture, office equipment, and court facility improvements.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster's Justice Court is hereby authorized and directed to file the necessary application, forms, etc., with the Justice Court Assistance Program for the purpose of securing the \$30,000.00 in grant funding; and

BE IT FURTHER,

RESOLVED, that the Supervisor and other appropriate Town officials are hereby authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

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

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

September 18, 2023

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

14

WHEREAS, Article 16 of the New York Town Law and Section 10 of the Municipal Home Rule Law of the State of New York provides for the adoption and enactment of local laws; and

WHEREAS, the Attorney for the Town has prepared a proposed Local Law to Establish a One Year Moratorium on Applications, Approvals and Construction of Commercial Residential Development; and

WHEREAS, the Town Board has reviewed the attached Local Law and the Town of Lancaster believes it is in the public interest to consider enacting the Local Law; and

WHEREAS, pursuant to the Town of Lancaster Town 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. The Local Law is hereby referred to the Erie County Department of Environment and Planning pursuant to New York State General Municipal Law § 239-m.
2. A public hearing for the proposed Local Law is hereby set for the 2nd day of October 2023 at 7:05 PM at Lancaster Town Hall, 21 Central Avenue, Lancaster, New York 14086.
3. The Town Clerk is directed to provide notice of the public hearing as required by law.
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

September 18, 2023

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster will hold a Public Hearing on the 2nd day of October, 2023 at 7:05 PM, at the Town Hall, 21 Central Avenue, Lancaster, New York, for purposes of considering and possibly revising a Local Law to amend the Town of Lancaster Code to establish a one-year moratorium on applications, approvals and construction of commercial residential redevelopment. Copies of the revised Local Law can be reviewed at Lancaster Town Hall, 21 Central Avenue, during normal business hours and on the Town of Lancaster's website, www.lancasterny.gov. All interested members of the public shall be heard.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

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

September 21, 2023

Town of Lancaster

Local Law # of 2023

A Local Law Establishing a One Year Moratorium on Applications, Approvals and Construction of Commercial Residential Development

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

SECTION I. PURPOSE AND INTENT.

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Lancaster and to maintain the status quo as to certain commercial residential development in the Town, as the current zoning regulations of the Town of Lancaster do not adequately address this use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain commercial residential development land uses, including but not limited to apartment building complexes. The moratorium is for a period of one (1) year, allowing the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Lancaster Zoning Code and the Town of Lancaster Master Comprehensive Plan concerning this use.

SECTION II. LEGISLATIVE FINDINGS.

The Town of Lancaster Town Board does hereby find that the Town has experienced significant and rapid growth, and appropriate measures must be taken to secure a temporary reasonable halt on certain permits, certificates of occupancy and approvals for commercial residential development within the Town to protect the public interest. If a temporary halt of such uses is not imposed, there is a potential that such uses could be located in unsuitable areas within the Town or on lots without adequate dimensional regulations in place. In addition, a temporary halt on such uses is imperative for the Town to address issues related to such uses, such as adequate water supply and sewer capacity, potential road improvements and the continued maintenance of green spaces. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

SECTION III. MORATORIUM IMPOSED; APPLICABILITY.

For a period of one (1) year following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations, or interpretations may be issued or granted for any land uses relating to commercial residential development, including but not limited to, apartment complexes.

The term “commercial residential development land uses” shall be broadly interpreted to encompass any development of multifamily housing facilities, including but not limited to apartment complexes, condominium buildings, townhome communities, and other residential home subdivisions and developments. Not included within the scope of this moratorium is the development of commercial businesses in districts zoned for business uses or minor subdivisions of personally owned land. This moratorium does not prohibit applications for structures such as fences, pools, sheds and the like on land owned personally by Town residents.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Building Inspector/Code Enforcement Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Lancaster.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Town of Lancaster Zoning Code and the Town of Lancaster Master Comprehensive Plan. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to commercial residential development, as described above.

SECTION IV. TERM.

This moratorium shall be in effect for a period of one (1) year from its effective date. This term may be extended for a cumulative period of up to an additional one (1) year, if necessary, by resolutions of the Town Board.

SECTION V. EFFECT ON OTHER LAWS.

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan, building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

SECTION VI. VARIANCE.

An application for a variance from the terms of this moratorium may be submitted, with a \$150 fee, to the Town Clerk. Notwithstanding the provisions of Article 16 of the Town Law and the Zoning Code of the Town of Lancaster, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

SECTION VII. ENFORCEMENT.

This Local Law shall be enforced by the Code Enforcement Officer of the Town of Lancaster, or such other individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual to advise the Town Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate to such enforcement.

SECTION VIII. SEVERABILITY.

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

SECTION IX. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

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

15

WHEREAS, the Town Board is considering the Rezone and Site Plan applications submitted by Metzger Civil Engineering, on behalf of Douglas Wicks, for a proposed rezone affecting 2.50 acres of land, and a 4-lot Minor Subdivision in a General Commercial (GC) District to a Residential (R) District at 5767 Genesee Street, SBL #94.00-2-1 and 5775 Genesee Street, SBL #94.00-2-2, in the Town of Lancaster; and

WHEREAS, the Town of Lancaster Planning Board has reviewed the potential adverse environmental impacts of rezoning the property and constructing a townhouse development pursuant to SEQRA regulations at their meeting on September 6, 2023, and recommended that a Negative Declaration be issued; and

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

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

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

NOW, THEREFORE,

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

1. The proposed Rezone affecting 2.50 acres of land, and a 4-lot Minor Subdivision in a General Commercial (GC) District to a Residential (R) District at 5767 Genesee Street, SBL #94.00-2-1 and 5775 Genesee Street, SBL #94.00-2-2, in the Town of Lancaster, will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

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

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

September 18, 2023

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

September 18, 2023

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

The Town of Lancaster Town Board (the “Town Board”), has reviewed the proposed rezone affecting 2.50 acres of land, and a 4-lot Minor Subdivision in a General Commercial (GC) District to a Residential (R) District at 5767 Genesee Street, SBL #94.00-2-1 and 5775 Genesee Street, SBL #94.00-2-2, in the Town of Lancaster. The Town Board has determined this project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rezone and reconfiguration of lots affecting 2.50 acres physically disturbed area.

Location of Action: 5767 Genesee Street, SBL #94.00-2-1 and 5775 Genesee Street, SBL #94.00-2-2, Lancaster, New York 14086, Erie County

SEQR Status: Type 1.

Description of Actions: Rezone and a 4-lot Minor Subdivision in a General Commercial (GC) District to a Residential (R) District at 5767 Genesee Street, SBL #94.00-2-1 and 5775 Genesee Street, SBL #94.00-2-2, in the Town of Lancaster

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

1. **Impact on land - No impact.**
2. **Impact on Geological Features – No impact.**
3. **Impacts on Surface Water – No impact.**
4. **Impact on Groundwater – No impact.**
5. **Impact on Flooding – No impact.**
6. **Impact on Air – No impact.**
7. **Impact on Plants and Animals – No impact.**
8. **Impact on Agricultural Resources – No impact.**
9. **Impact on Aesthetic Resources – No impact.**

- 10. Impact on Historic and Archeological Resources – No impact.**
- 11. Impact on Open Space and Recreation - No impact.**
- 12. Impact on Critical Environmental Areas – N/A**
 - The Town of Lancaster has not established a Critical Environmental Area (CEA).
- 13. Impact on Transportation – No impact.**
- 14. Impact on Energy – No impact.**
- 15. Impact on Noise, Odor and Light – No impact.**
- 16. Impact on Human Health – No impact.**
- 17. Consistency with Community Plans – No impact.**
- 18. Consistency with Community Character – No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Town Attorney
Town of Lancaster
Address: 21 Central Avenue
Lancaster, New York 14086
Telephone Number: (716) 684-3342

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

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WHEREAS, Matt Fischione, Code Enforcement Officer of the Town of Lancaster Building and Zoning Department, by letter dated August 31, 2023, has requested that the Town of Lancaster consider the hiring of a contractor to mow abandoned property at 4817 William Street, Lancaster, New York, 14086; and

WHEREAS, numerous letters have been sent to the property owner, and property owner has ignored all communication and the current condition of the property has created a concern for public safety; and

WHEREAS, the Town of Lancaster Assessor's office will include the expenses incurred on behalf of mowing the lawn at 4817 William Street, Lancaster, New York, 14086 to the property tax bill.

NOW, THEREOFRE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster approves the hiring of an independent contractor to mow the abandoned property at 4817 William Street, Lancaster, New York, 14086; and

BE IT FURTHER,

RESOLVED, the Town of Lancaster Assessor's office will include the expenses incurred on behalf of mowing the lawn at 4817 William Street, Lancaster, New York, 14086 to the property tax bill.

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

September 18, 2023

THE FOLLOWING RESOLUTION WAS OFFERED 17
BY COUNCIL MEMBER LEARY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER, TO WIT:

WHEREAS, the Town of Lancaster is the owner of the Lancaster District School #6 (“Little Red School House”), located at 3703 Bowen Road (SBL No. 116.03-1-38) and maintains the facility as part of an operations and maintenance agreement with the Lancaster New York Historical Society (Historical Society); and

WHEREAS, the Little Red School House is in need of four new front window shutters to make this Historical Landmark safer and more enjoyable for the public; and

WHEREAS, the Town of Lancaster School District #6 (Little Red School House) has been awarded a \$100,000.00 grant through the Erie County Cultural Capital Grant program, located at the Rath Building, 95 Franklin Street, Buffalo, NY 14202; and

WHEREAS, the Town Board has obtained quotes for the purchase and installation of four new front window shutters required at the Little Red School House; and

WHEREAS, by correspondence dated September 5, 2023, Edward Schiller, P.E., Director of Municipal Projects for the Town of Lancaster, has recommended that the contract, for the purchase and installation of four new front window shutters be awarded to:

Besroi Roofing and Siding, 5434 Genesee St, Lancaster, NY 14086, for an amount not to exceed Thirteen Thousand One Hundred and 00/100 (\$13,100.00) Dollars.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby awards the contract for the purchase and installation of four new front window shutters at Lancaster District School #6 (“Little Red School House”) to Besroi Roofing and Siding, 5434 Genesee Street, Lancaster, NY 14086 for an amount not to exceed Thirteen Thousand One Hundred and 00/100 (\$13,100.00) Dollars: and

BE IT FURTHER,

RESOLVED, that the cost of the project will be funded by a \$100,000.00 grant through the Erie County Cultural Capital Grant program, located at Rath Building, 95 Franklin Street, Buffalo, New York 14202, and the balance will be paid for with funds from the Lancaster Historical Society and Museum.

BE IT FURTHER,

RESOLVED that the Supervisor is hereby authorized to execute these contracts on behalf of the Town of Lancaster and to do all things necessary to effectuate the intent of this resolution pending the receipt and approval of all required documents and insurance certificates by the Town Attorney.

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

September 18, 2023