

A Special Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York was held via teleconference on the 14<sup>th</sup> day of January 2021, at 6:45 PM, and there were:

**PRESENT:** CARLO DIRIENZO, MEMBER  
JOHN MIKOLEY, MEMBER  
JILL MONACELLI, MEMBER  
LAWRENCE PIGNATARO, MEMBER  
TYLER SOJKA, MEMBER

**ABSENT:** NONE

**ALSO PRESENT:** DIANE TERRANOVA, TOWN CLERK  
EMILY ORLANDO, DEPUTY TOWN ATTORNEY

**PURPOSE OF MEETING:**

This Special Meeting of the Zoning Board of Appeals of the Town of Lancaster was held for the purpose of acting on a State Environmental Quality Review for one (1) action.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY  
REVIEW (SEQR) OF THE**

**RACHEL'S MEDITERRANEAN EATERY OUTDOOR PATIO**

The Zoning Board of Appeals reviewed the Short Environmental Assessment Form on the Rachel's Mediterranean Eatery Outdoor Patio matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form entitled "Part 2 Environmental Assessment" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Zoning Board of Appeals of the Town of Lancaster, has reviewed the following described proposed action, which is an **unlisted action**, and that Board recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR § 617.7, and further issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with § 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Zoning Board of Appeals  
21 Central Avenue  
Lancaster, New York 14086  
Kevin Loftus, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 3.23 acres.

The location of the premises being reviewed is 4931 & 4933 Transit Road, Lancaster, New York 14086, Erie County.

This project is described as a request for Site Plan approval from the Lancaster Town Board to allow for the construction of an outdoor patio along with a variance application to allow for a side yard setback of 1'-10" where 10" is allowed by code; to allow for a further reduction in required parking spaces by four spaces as the twelve seats on the outdoor patio requires four parking spaces; and to allow for an exterior outdoor patio where all principal and accessory uses shall be conducted in an enclosed structure.

THE FOLLOWING MOTION WAS OFFERED  
BY MR. PIGNATARO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
MR. DIRIENZO, TO WIT:

That the Zoning Board of Appeals has reviewed the potential environmental impacts associated with the Rachel's Mediterranean Eatery Outdoor Patio matter identified in the Environmental Assessment Form, and, 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) for the reasons indicated below based on the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment and therefore issues a Negative Declaration.

**REASONS SUPPORTING RECOMMENDATION**

1. The proposed action will not create a material conflict with an adopted land use plan or zoning regulations.
2. The proposed action will not result in a change in the use or intensity of use of land.
3. The proposed action will not impair the character or quality of the existing community.
4. The Town of Lancaster has not established a Critical Environmental Area (CEA).
5. The proposed action will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway.
6. The proposed action will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable energy opportunities.
7. The proposed action will not impact existing public/private water supplies or public/private wastewater treatment utilities.
8. The proposed action will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. The proposed action will not result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna).
10. The proposed action will not result in an increase in the potential for erosion, flooding or drainage problems.
11. The proposed action will not create a hazard to environmental resources or human health.

The question of the adoption of the foregoing Negative Declaration was duly put to a vote which resulted as follows:

MR. DIRIENZO	VOTED	YES
MR. MIKOLEY	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SOJKA	VOTED	YES

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 6:52 P.M.

Signed \_\_\_\_\_  
Diane M. Terranova, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: January 14, 2021