

Town Board Minutes

July 20, 2009

Meeting No. 23

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of July 2009, at 6:30 PM and there were

PRESENT: JOHN ABRAHAM, COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: NEIL CONNELLY, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASST. CODE ENFORCEMENT OFFICER
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF 81 & 3 OF FLORIDA REZONE**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now 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

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 7.6 acres.

The location of the premises being reviewed is Transit Road (North of William Street), County of Erie, Lancaster, New York.

This project is described as a rezone from GB (General Business) to MFR-4 (Multi Residential District 4).

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

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
OF 81 & 3 OF FLORIDA REZONE
NEGATIVE DECLARATION**

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
 - It is noted that construction may continue for more than one year.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
 - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
 - The proposed action will use approximately 35,000 gallons of water per day.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species.
 - Herbicides or pesticides may be used for lawn care.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will have a small to moderate impact on aesthetic resources.
 - The proposed land use is obviously in contrast to current surrounding land use.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action will have a small to moderate impact upon existing transportation systems.
 - Present patterns of movement of people will be altered.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - There may be a small conflict with officially adopted plans.
 - There will be a small change in the density of land use.
 - There will be an increased demand for police, fire and school services.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

SEAL

s/s _____
 Robert H. Giza, Supervisor
 Town of Lancaster

July 20, 2009

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

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

| | |
|------------------------------------|------------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | VOTED YES |
| PLANNING BOARD MEMBER CONNELLY | WAS ABSENT |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | WAS ABSENT |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED YES |

The Notice of Determination was thereupon adopted.

July 20, 2009

**IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY
REVIEW (SEQR) OF THE
MONTI CONCRETE CONSTRUCTION COMPANY, INC.
SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Monte Concrete Construction Company, Inc. site plan 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 II Environmental Assessment", which was provided to each member.

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now 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

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
John Dudziak, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.03 acres.

The location of the premises being reviewed is situate 501 Erie Street, County of Erie, Lancaster, New York.

This project is described as the construction of a warehouse for concrete business.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO MOVED
ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER SZYMANSKI, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
MONTI CONCRETE CONSTRUCTION COMPANY, INC. SITE PLAN
NEGATIVE DECLARATION**

REASONS SUPPORTING DETERMINATION

FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
(except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

_____ **No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

July 20, 2009

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

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

| | |
|------------------------------------|------------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | VOTED YES |
| PLANNING BOARD MEMBER CONNELLY | WAS ABSENT |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | WAS ABSENT |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED YES |

The Notice of Determination was thereupon adopted.

July 20, 2009

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY
PLANNING BOARD MEMBER KEYSA FOR ADJOURNMENT OF THE MEETING, which
resulted as follows:

| | |
|------------------------------------|------------|
| COUNCIL MEMBER ABRAHAM | VOTED YES |
| COUNCIL MEMBER AMATURA | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | VOTED YES |
| PLANNING BOARD MEMBER CONNELLY | WAS ABSENT |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | WAS ABSENT |
| PLANNING BOARD MEMBER SZYMANSKI | VOTED YES |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED YES |

The meeting was adjourned at 6:49 P.M.

Signed _____
Johanna M. Coleman, Town Clerk