

February 4, 2009

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
Neil Connelly  
John P. Gober  
Lawrence Korzeniewski  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
John M. Abraham, Jr.  
Daniel Amatura  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant: Robert Harris, Wm. Schutt & Associates

Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held on February 4, 2009. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa  
Planning Board Chairman

SJK:mn  
Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the fourth day of February 2009, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
Neil Connelly, Member  
John Gober, Member  
Steven Socha, Member

EXCUSED: Lawrence Korzeniewski, Member  
Melvin Szymanski, Member

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Harris, Engineering Consultant - Wm. Schutt & Associates  
Leonard Campisano, Assistant Building & Zoning Inspector  
Nicholas LoCicero, Town Prosecutor for Town Attorney's Office  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:32 PM.

PLEDGE OF ALLEGIANCE led by Donald Snios.

Motion was made by Rebecca Anderson to approve the minutes from the January 21, 2009 Planning Board Meeting. Motion seconded by Neil Connelly and unanimously carried.

**ACTION ITEMS -**

SITE PLAN REVIEW -BENDERSON PROPOSED RETAIL, 4931 TRANSIT ROAD, EASTERN PORTION OF ALDI GROCERY STORE PARCEL, 10,545 SQ.FT. RETAIL BUILDING WITH 55 SPACES. PROJECT NO. 1164. CONTACT PERSON: JAMES A. BOGLIOLI OF BENDERSON DEVELOPMENT COMPANY

Chair Keysa told the Planning Board that since he represents an estate which holds the mortgage on

property near this project, he would abstain from voting on this project and offered to step down as Chair during the presentation. The Planning Board unanimously agreed that Chair Keysa should remain as Chair for the presentation.

Peter Sorgi, Attorney and James A. Boglioli, Benderson Development Co., presented to the Planning Board the site plan review for the 10,545 sq.ft. retail building located on the eastern portion of the Aldi Grocery Store parcel at 4931 Transit Road. This project was adjourned at the November 5, 2008 Planning Board Meeting. The applicant was to address the following issues raised by the Planning Board:

Wetlands - Mr. Sorgi told the Planning Board that he received documentation dated 1/7/09 stating that there are no federal wetlands on this parcel.

Exit on William Street - There was some discussion regarding the exit on William St. which is the existing Rite Aid exit. This exit is also being used by the Aldi Grocery Store located on this parcel. Mr. Boglioli stated that he has been in contact with the owner of the parcel to the east concerning a tie-in with the future signal on William St. across from WalMart. Currently, there is no plan for immediate development of that parcel, but Mr. Boglioli said that when it is developed the owner has agreed to the tie-in. The Planning Board requested that the applicant provide a letter from the current owner of the parcel to the east stating this agreement. Town Engineer Robert Harris stated that according to the Traffic Access Management Ordinance since the project on this parcel has been changed, the Town Board could refuse to allow the use of the William St. access for this project. (See letter dated 2/20/09 from Attorney Peter Sorgi of Hopkins & Sorgi for clarification.)

Landscaping - Chair Keysa referred to com. 2-4-14 from General Crew Chief Terrence McCracken indicating that additional trees need to be planted on the north property line. Mr. Sorgi stated that the additional recommended trees will be shown on the site plan.

Lighting - A lighting plan must be submitted for this project.

Comments from Town Engineer - Chair Keysa referred to com. 2-4-08 from Town Engineer Robert Harris with comments on this project. Applicant is to address the concerns noted which include the need to coordinate the swale and the concrete pads, and the need for fire protection at the back of the building.

Railing along parking areas - For safety purposes a car-safe railing will need to be placed along the rear of the Aldi loading dock, which backs up to this project.

Sidewalk & rear doors - The site plan must show a sidewalk around the building to the back, and the placement of walk-in doors at the rear of the building.

Councilmember Donna Stempniak wanted to know the reason for the urgency for this project. Why can't this project wait to be built after the interconnectivity to the future signal on William Street is in place? Mr. Boglioli told the Planning Board that Benderson does have a potential tenant for this building, but there must be site plan approval for the project prior to any agreement with the tenant.

#### DETERMINATION

At the request of the applicant, this project is adjourned to the next Planning Board meeting on March 4, 2009. Motion to adjourn this project was made by John Gober with the following conditions: 1.) Additional landscaping along north property line to be shown on site plan. 2.) Applicant to provide letter from owner of property to the east indicating agreement for future interconnectivity to future signal on William St. 3.) Applicant to provide lighting plan. 4.) Applicant to address concerns noted by Town Engineer in com. 2-4-09. 5.) Raised parking area by Aldi loading ramp to be addressed.

Car-safe railing to be placed along rear of Aldi loading dock. 6. Sidewalk around building to the back and placement of walk-in doors to be shown on site plan. Motion seconded by Steven Socha and duly carried by a vote of four ayes and no nays with Chair Keysa abstaining from the vote.

**INFORMAL DISCUSSION - CONCEPT PLAN CHANGES TO PLEASANT MEADOWS SUBDIVISION. POSSIBLE CHANGE OF RCO AREA TO MFR-4 EAST SIDE OF JUNIPER NEAR WALDEN AVENUE.**

David DiPaulo of Marrano/Marc Equity, Architect Phil Silvestri, Attorney Jeff Palumbo, and William Tuyn of Greenmen Pedersen presented to the Planning Board the informal concept plan changes for a 37-acre section of Pleasant Meadows subdivision located on the east side of Juniper Lane near Walden Avenue from RCO to MFR-4. Mr. DiPaulo told the Planning Board that as part of the original plan for Pleasant Meadows, there was to be a mix of housing types, including multi-family units. The original plan showed this type of housing to be located closer to Pleasant View Drive. It now seems more appropriate to place the multi-family units closer to the future retail center on Walden Avenue. The concept plan shows both garden-style luxury apartments and senior apartments. The 116 garden style luxury apartments would be 2-story buildings with 8 units per building. Each unit will have a separate entrance. These luxury apartments will have 1, 2, and 3-bedroom units. The 120 senior apartments will be 3-story buildings with central entrances for 1 and 2 bedroom units. These units will be for fully independent seniors. The plan shows garage units and parking for visitors. A centrally located pool and clubhouse are also shown on the concept plan.

The Planning Board made the following comments:

Each senior apartment building must have a back-up generator in the event of a power outage for heat and electric to the centrally located community room and the internal communication system. Sidewalks are to be constructed along Juniper Lane from this project to the retail center on Walden Avenue.

A question was raised concerning the need to re-open the SEQR for this project due to the increased density as a result of this portion of the project. Attorney Nicholas LoCicero stated that if there is a significant change in density, the lead agency can require that the SEQR be re-opened.

**REZONE PETITION - 81 & 3 OF FLORIDA, INC., 5497 GENESEE STREET. PRESENT ZONING IS AR-AGRICULTURAL RESIDENTIAL. PROPOSED ZONING IS MFR-4 MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS CONDOMINIUMS AND APARTMENT UNITS. CONTACT PERSON IS JOSEPH CIPOLLA.**

This project was adjourned at the January 7, 2009 Planning Board meeting. The applicant was to address the concerns of the Planning Board that were expressed at that meeting.

Chris Andrzejewski representing 81 & 3 of Florida, Inc. and Pat Cipolla presented to the Planning Board the proposed rezone petition for 5497 Genesee Street. Current zoning is AR-Agricultural Residential; the proposed zoning is MFR-4-Multi-family. This entire parcel consisting of 69 acres is currently under contract for purchase from the Diocese of Buffalo. This proposed project will be built on 18.77 acres from Genesee Street back 1,300 feet to the creek shown on the map. The project will consist of 160 apartments located at the interior of the site with 50 townhouses along the perimeter. This project lies within the Erie County Sewer District and sewers will be brought in from Harris Hill Road. Mr. Andrzejewski addressed

the following issues:

Drainage - Mr. Andrzejewski stated the following: Since this project lies within a 100-year flood plain, the project would be built 1-foot above the flood plain level. There will be no significant increase to Ellicott Creek when this site is filled in. There will be no stormwater detention on site. The existing discharge pipe from Buffalo Crushed Stone has been run to Genesee St.

The Planning Board stated that according to NYS Building Code, this project must be built at least 2 feet above that level. It was also suggested that the Town Attorney's office should have the Town Code changed to match the NYS Building Code. The applicant must provide the Planning Board with a map showing the depth of fill at various areas on the site to meet the NYS Building Code 2-ft. minimum requirement. The map must also show cross section. The Planning Board will need a copy of the letter indicating that the discharge pipe from Buffalo Crushed Stone has been run to Genesee St. Town Engineer Robert Harris stated that he will need to speak with NYSDEC about the new codes regarding the effect that filling in this site will have on Ellicott Creek. He will also need to see the details to determine discharge.

Water Pressure - Erie County Water Authority will do flow tests for this site in Spring 2009.

Wetlands - The Planning Board stated that a formal wetlands delineation must be done on this site. The Planning Board stated that water quality must be placed at least 125 feet from the wetland buffer. A letter from the applicant will be needed indicating that the property to the south of this project will be left undisturbed.

Town Master Plan - Chair Keysa stated that according to the Town's Master Plan, any future residential building is discouraged along this section of Genesee Street.

Since this site will require at least 35,000 cubic yards of fill, Council Member Donna Stempniak inquired as to how long after the fill is put in before building can begin. Mr. Andrzejewski stated that the fill is brought in already compacted and does not have to settle. Building can begin once the fill is in place.

#### DETERMINATION

At the request of the applicant, this project is adjourned to the next Planning Board meeting on March 4, 2009. Motion to adjourn this project was made by Neil Connelly with the following conditions: 1.) Applicant to provide site details to detention discharge. 2.) A formal wetlands delineation must be done. 3.) A letter must be provided to the Planning Board stating that the land to the south of this project will be left undisturbed. 4.) Applicant to provide a map showing depth of fill at various areas on this site to meet NYS Building Code minimum requirement. Map must also show cross sections. 5.) Water quality must be placed at least 125 feet from wetland buffer. 6.) Town Engineer to review flood study. Motion seconded by John Gober and unanimously carried.

#### INFORMAL DISCUSSION - DEVELOPMENT ON PAVEMENT ROAD

Michael Connors of Clover Management presented to the Planning Board an informal concept plan for the north portion of the parcel located at the northwest corner of Broadway and Pavement Road. The front portion of the parcel will be used for previously approved senior housing. When the site plan for the senior housing complex came before the Planning Board, two of the conditions placed on the site plan were: 1.) The north portion would be used for future development of patio homes for seniors, and 2.) An adjoining

road to the senior housing project would be constructed. Mr. Connors told the Planning Board that a local home builder has expressed interest in building single-family homes on the north parcel, and he would like to have the two above-mentioned conditions removed from the previous site plan. The proposed single-family homes would not strictly be for seniors, and therefore the adjoining road to the senior complex would not be appropriate. The informal concept plan shows 21 building lots for single-family homes. Mr. Connors stated that since MFR-4 zoning does allow single-family homes, he is asking the Planning Board to recommend modifying the previously approved site plan for the senior complex.

Following a discussion the Planning Board recommended that Mr. Connors make an application to rezone this portion of the parcel to R-2 zoning and include the proper description.

MONROE COUNTY PARKING STUDY SUMMARY - This item was discussed at the Planning Board meeting on January 21, 2009, and tabled to the Planning Board meeting on February 4, 2009 for further discussion. The following land uses were revisited, and the Planning Board made the following tentative determinations:

<u>Land Use</u>	<u>Determination</u>
Movie theaters in shared parking must be considered.	1 space/3 seats in theater. If movie theaters are located a shopping center,
Churches (All)	1 space/2.6 seats* * Based on 2000 Census demographics per household.

Neil Connelly will provide the Planning Board with a clean copy of the results of the Planning Board discussions regarding parking summary for the Town of Lancaster.

OTHER MATTERS - None

At 9:50PM Neil Connelly made a motion to adjourn the meeting. Motion seconded by Rebecca Anderson and unanimously carried.