

March 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 March 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 March 2009, at 7:30P.M, and there were present:

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

EXCUSED: None

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

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

Meeting called to order by Chair Keysa at 7:30 PM.

PLEDGE OF ALLEGIANCE led by Fire Chief Donald Snios.

Motion was made by Neil Connelly to approve the minutes from the February 4, 2009 Planning Board Meeting with the following amendment: ACTION ITEM - SITE PLAN REVIEW-BENDERSON PROPOSED RETAIL AT 4931 TRANSIT ROAD EASTERN PORTION OF ALDI GROCERY STORE PARCEL - Exit on William Street (To follow the current paragraph): See letter dated 2/20/09 from Attorney Peter Sorgi of Hopkins & Sorgi for clarification (Com. 3-4-13). Motion seconded by John Gober and unanimously carried.

Administrative Item - Monroe County Parking Study - Chair Keysa told the Planning Board that Member Neil Connelly has provided him with a final draft of the proposed changes made to the Town Ordinance concerning parking made by the Planning Board. Chair Keysa will communicate to the Town Attorney and the members of the Town Board that these are the changes that the Planning Board would like made to the Town Ordinance. Chair Keysa will also request that the Town Attorney submit this draft to change the Town Ordinance. The Planning Board unanimously agreed.

Communications -

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 February 4, 2009 Planning Board Meeting. The applicant was to address the following issues:

Landscaping - Mr. Sorgi stated that as requested in com. 2-4-14, the site plan now shows additional trees to be planted on the north property line.

Comments from Town Engineer - Town Engineer Robert Harris told the Planning Board that engineering issues have been addressed including the fire protection at the back of the building. Mr. Harris noted that a 6-inch pipe has to be installed at the south edge property line along Aldi, requiring a sediment and erosion plan.

Lighting - The current lighting plan must be revised to show light standard height not exceeding 15 feet with flatlenses.

Exit on William Street - Mr. Sorgi referred to his letter dated 2/20/09 (com.2-4-13). In this letter he stated that although Benderson has had discussions with the owner of the property to the east of this parcel, there is no agreement to a future tie-in. Mr. Sorgi stated that when the parcel to the east is developed at a future date, Benderson is willing to work with the owner to provide a tie-in to the future

signal on William St. across from WalMart.

Store Sign - There was a question raised regarding placement of a sign for the proposed retail store. Mr. Sorgi stated that a sign would be placed below the existing Aldi sign. All signage will comply with the existing code or will need to go before the Zoning Board of Appeals.

Deliveries - Mr. Sorgi stated that all deliveries for the prospective tenant will be made to the loading dock shown at the north end of the building. Deliveries for any of the other smaller tenants will be made to the front door during off hours.

Mr. Sorgi told the Planning Board that currently there is a prospective low-traffic tenant for about 70% of the proposed retail building. This tenant has requested to remain unnamed at this time.

DETERMINATION

Based on the information presented to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the site plan with the following conditions: 1.) 6-inch water line to be installed at the south edge property line along Aldi. 2.) Lighting plan to be revised showing light standard height not exceeding 15 feet with flat lenses 3.) Planning Board is satisfied with letter provided by Attorney Peter Sorgi indicating Benderson's willingness to connect to the property to the northeast at such time when that property is developed and the traffic signal goes in. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of four ayes, two nays (Member Anderson and Member Socha), with Chair Keysa abstaining from the vote.

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 February 4, 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 St. 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. Mr. Andrzejewski addressed the following issues:

Drainage - Mr. Andrzejewski told the Planning Board that as per NYS Building Code, this project will be built 2 feet above the flood plain level. This will require an additional 15,000 cubic yards of fill, bringing the total to 45,000 cubic yards. He provided the Planning Board with a color-coded cross-section map of the project which also shows swales along the south, east, and west sides of the project.

Wetlands - The Planning Board had stated at the meeting on February 4 that a formal wetlands delineation must be done on this site. Mr. Andrzejewski stated that NYSDEC has walked the property and flagged it. Only 18.77 acres will be used for the project. Mr. Cipolla stated that the remaining 50 acres at the

southern portion of the parcel will be left undisturbed and he suggested that these 50 acres could be donated to the Town for conservation use.

The Planning Board made the following observations regarding this project:

Amount of fill - There was some discussion regarding the enormous amount of fill that will be required for this project. A total of 45,000 cubic yards would need to be brought in by tractor trailers. Traffic concerns on Genesee St. during the building of this project were expressed. The Planning Board also had concerns with constructing on the fill.

Town Master Plan - The Town Master Plan discourages any future residential building along this section of Genesee Street. This type of use is not appropriate for this area and would not fit the character of the neighborhood. This would be spot zoning. Concerns have been received from neighbors to the north, south, east and west of this parcel.

Flood plain - This project would effect Ellicott Creek flood plain and remove the ponding area. There are also concerns with ground water drainage. It was suggested that this area should be declared a critical environment area in the Town.

SEQR Process - The ECDEP by letter dated 2/4/09 (com.3-4-02) has indicated that this project would require a positive declaration.

Water lines & sewer lines - This area is not currently served by sanitary sewers. Sewers would need to be brought in from the west. Installation of water and sewer lines would be in bedrock and would be very costly. The Planning Board also noted that a variance from the EPA may be necessary to provide sewers.

The Planning Board did express its thanks to Mr. Cipolla for suggesting that the unused portion of the parcel could be donated to the Town for conservation use.

Mr. Cipolla asked to be allowed to respond to the Planning Board's observations:

- The Army Corps of Engineers or New York State Dept. of Environmental Conservation will make the final decision regarding any wetlands on this parcel.
- The 45,000 cubic yards of fill that will be brought in for this project will be compacted to 95% compaction, Water will not filter through.
- The Diocese of Buffalo would like to sell this property.
- The government is encouraging building projects that will create jobs.
- The sewer and water lines for this project will be very costly. He cannot afford to pay for a study to be done to answer the Planning Board's questions.
- Mr. Cipolla stated that a recommendation for approval from the Planning Board would carry a great deal of weight with the Town Board. If this rezone were to be approved by the Town Board, all work on this project would have to be done according to Town Code and Ordinances and approved by the Town Building Inspector.

Mr. Edward Hutter, owner of neighboring property on Genesee Street, told the Planning Board that he has lived at this address for many years and that the area of his property near Genesee Street does not flood.

DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Rebecca Anderson to recommend denial of the rezone to the Town Board with the following observations: 1.) Project will

require an enormous amount of fill. 2.) There are probably federal or NYS wetlands on this parcel. 3.) Rezone would be contrary to adopted Town Master Plan. 4.) Project would effect Ellicott Creek flood plain and remove pond area. 5.) Project is out of character with neighborhood. 6.) Concerns with effects of ground water drainage. 7.) Traffic concerns on Genesee Street during building of this project. 8.) Concerns with building on fill. 9.) Concerns with ECDEP - project would require positive declaration under SEQR. 10.) Concerns noted by neighbors to the north, south, east and west of this project. 11.) This property should be declared a critical environment area in the Town. 12.) Installation of water and sewer lines would be within 3 feet of bedrock. 13.) Area not currently served by sanitary sewers; would need to be brought in from the west. 14.) Variance may be necessary from EPA to provide sewers. Motion seconded by Melvin Szymanski and unanimously carried.

INFORMAL DISCUSSION - SENIOR LIVING DEVELOPMENT EAST OF BOWEN ROAD, SOUTH SIDE OF WILLIAM STREET. CONTACT PERSON: JOCELYN BOS OF CALAMAR DEVELOPMENT

Jocelyn Bos of Calamar Development and Philip Silvestri presented to the Planning Board the informal plan for a senior living development on an 8-acre parcel located on the south side of William Street, east of Bowen Road. This parcel is adjacent to the existing trucking operation. The plan shows a 2-story building for approximately 110 affordable senior living apartments for individuals 60 years and over. Apartments will be 1-bedroom (54 units) and 2-bedroom (56 units). The plan also shows a common space at the center of the complex with parking garages located along both sides. These apartments will be market rate and not subsidized housing. Ms. Bos and Mr. Silvestri asked for any input the Planning Board might have. The Planning Board made the following comments:

Generator - A back-up generator will be necessary for both the building and the common area for heat and electricity.

Building facade - The building facade should be broken up with variations so as not to look like army barracks.

Transportation - Since this parcel is not located near a busline or any retail businesses, it was suggested that there be some type of van transportation provided for those seniors without cars.

Sewers - There was some discussion regarding sewers for this area. Town Engineer Robert Harris stated that the sewer lines for this area have been designed and are waiting to be built. Sewers are currently in place at Schoolhouse Common (Old Schoolhouse Road).

OTHER MATTERS - None

At 9:02PM Neil Connelly made a motion to adjourn the meeting. Motion seconded by John Gober and unanimously carried.

