

May 20, 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 May 20, 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 twentieth day of May 2009, at 7:30P.M, and there were present:

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

EXCUSED: John Gober, 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 7:35 PM.

Pledge of Allegiance led by Member Steven Socha.

Minutes - Motion was made by Melvin Szymanski to approve the minutes from the May 6, 2009 Planning Board Meeting with the following correction: ACTION ITEM: DISCUSSION ON THE SIDEWALKS IN PARKHAVEN SUBDIVISION - (Last sentence) It was also suggested that 5-ft. sidewalks be placed adjacent to the County right-of-way along Bowen Road. Motion seconded by Neil Connelly and unanimously carried.

COMMUNICATIONS -

ACTION ITEMS -

SKETCH PLAN REVIEW - "VINE SUBDIVISION", 10 SINGLE-FAMILY DWELLING LOTS, LOCATED ON THE NORTH SIDE OF SUMMERFIELD DRIVE. PROJECT NO. 6769. CONTACT PERSON: DR. CHRISTOPHER BALDWIN

Anthony Marrano of Tredo Engineering, Attorney John Garas, and Dr. Christopher Baldwin of Vine Wesleyan Church presented to the Planning Board the sketch plan for a 10 single-family lot subdivision located on the north side of Summerfield Drive. The subdivision is located on a 2.5 acre parcel that was part of a 58-acre parcel that was purchased by Vine Wesleyan Church. The lots will be sold off and not church owned. Lot sizes will be 75' X 125'. Infrastructure is already in place. Mr. Marrano explained to the Planning Board that currently there is a strip of property on this parcel along Summerfield Drive that is Town owned and is assigned an SBL number. Access to the 2.5-acre parcel would have to be across Town property. The following issues were discussed:

SEQRA Segmentation - The Planning Board asked if the applicant would provide an overall plan for this entire 58-acre parcel. Another project located on this parcel was before the Planning Board on May 6, 2009 for senior housing, which was recommended for denial by the Town Board. The Planning Board was concerned about segmentation of this parcel and stated that it is difficult to recommend approval of a project without knowing what is planned for the other portion of this parcel. Following a brief discussion, the Planning Board requested that the applicant provide a legal opinion regarding segmentation.

Town exception - Council Member Donna Stempniak stated that a subdivision must be on a dedicated street and since there is a strip of land owned by the Town on Summerfield Drive, this cannot be considered a dedicated street. Attorney Garas said that an agreement could be worked out with the Town to access this property. The Planning Board stated that since this strip of land has an SBL, number it can be sold off as excess property, and that it would be much "cleaner" if the developer took ownership. The Planning Board stated that a legal opinion would be necessary regarding access to property across a Town exception.

Lot #3 - Chair Keysa suggested that the sketch plan show a right-of-way at lot #3 for accessing the land behind this parcel. Mr. Marrano stated that the right-of-way could be used for a future street. Since there is no overall plan for the remainder of the parcel, it is not known what will be built behind this parcel. Council Member Donna Stempniak stated that if the church is built behind this parcel, the traffic from the church parking lot should not be dumped onto Summerfield Drive. The Planning Board stated that the right-of-way for lot #3 should be increased to the width of a full size building lot allowing use for a future home if the right-of-way is not necessary for access to the property behind.

Drainage easement - The sketch plan shows a 10' drainage easement. Town Code states that the drainage easement must be at least 15'.

Lot size - The sketch plan shows the size of the building lots to be 75' X 125' which is the minimum size. The Planning Board stated that this size be increased to width across the street.

DETERMINATION

At the request of the applicant, this project is adjourned to the next Planning Board meeting on June 3, 2009, at which time the applicant will address the following issues: 1.) Applicant to provide legal opinion regarding segmentation. 2.) Applicant to provide legal opinion regarding access to property across Town exception. 3.) Right-of-way in lot #3 to be a full-size width building lot. 4.) Drainage easement to be changed to 15 feet. 5.) Lot size may be increased. Motion to adjourn was made by Steven Socha, seconded by Lawrence Korzeniewski and unanimously carried.

REZONE PETITION - 81&3 OF FLORIDA, TRANSIT ROAD NORTH OF WILLIAM STREET. PRESENT ZONING IS GB, GENERAL BUSINESS; PROPOSED ZONING IS MFR-4, MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS FOR 112 APARTMENT UNITS. CONTACT PERSON: JOSEPH CIPOLLA

This project was adjourned at the Planning Board meeting on May 6, 2009.

Joseph Cipolla of 81 & 3 of Florida presented to the Planning Board the rezone petition for the 8.66-acre parcel located on Transit Road north of William Street. The present zoning is GB, General Business. The proposed zoning is MFR-4, Multi-Family Residential District Four. Mr. Cippola told the Planning Board that 7.6 acres will be impacted and one acre will be preserved. He also stated that originally a commercial project was planned for this parcel, but due to the wetlands restrictions that type of project was not possible. The plan shows 2-story apartment buildings for 1, 2, and 3-bedroom apartments. Mr. Cipolla told the Planning Board that the plan has been reduced by two buildings and will have 88 units with 176 parking spaces. A stormwater facility is shown to the north of the buildings. A 100-ft. buffer area is shown at the east end of the property. The buffer area will have a berm, fence or treed area. There will be an emergency exit road from this project into the proposed Walmart parking lot. There

will be no emergency road from Transit Boulevard to this project. The Planning Board asked for a professional survey of the specific rezone area. There was some discussion whether this project would have apartments or townhouses. Mr. Cipolla stated that currently market-rent apartments are planned. However, if the market should dictate differently it could be townhouses.

DETERMINATION

Based on the information provided to the Planning Board, a motion was made by Melvin Szymanski to recommend approval of the rezone to the Town Board with the following conditions: 1.) Applicant to provide professionally prepared survey of project. 2.) Plan to be reduced to 88 units. 3.) Buffer to the east to be 100 feet. 4.) No exits to be built to Transit Boulevard. Motion seconded by Steven Socha and duly carried by a vote of 5 ayes and 1 nay (Member Anderson).

REZONE PETITION - REDTEK DEVELOPMENT, LLC, 4779 & 4783 TRANSIT ROAD. PRESENT

ZONING IS GB, GENERAL BUSINESS & R-1, RESIDENTIAL DISTRICT ONE. PROPOSED ZONING IS MRF-4, MULTI-FAMILY RESIDENTIAL DISTRICT FOUR. PROPOSED USE OF PREMISES IS 68 SENIOR CITIZEN APARTMENT UNITS. CONTACT PERSON: JOSEPH CIPOLLA.

Joseph Cipolla and Michael Jordan of Redteck, LLC presented to the Planning Board the rezone petition for a 5-acre project located at 4779 & 4783 Transit Road. This parcel is located behind the existing TOPS plaza on Transit Road and French Road. The proposed use is for 68 lower middle income senior apartments. These would be independent living apartments. Mr. Jordan told the Planning Board that the 2-story apartments buildings will have all handicap accessible apartments. There will also be back-up generators for electric and heat. The following items were discussed:

Survey - Town Engineer Robert Harris stated that a professional survey needs to be prepared for this project.

Berms - The plan will need to show a berm to the south and east of the project. Mr. Jordan stated that a 6' fence will be placed along the north side and the west side of the project.

Pedestrian access - Currently the plan does not show pedestrian access to this project. The Planning Board suggested that the applicant consider the plan to show sidewalks to the TOPS plaza to the west on Transit Road.

Open space - There was some discussion regarding the open space on the balance of the property. Mr. Cipolla stated that the open space at this project will result in the non-conforming developed parcel to the west. The Planning Board stated that this issue will need to be addressed.

Access road - The plan shows that the primary access to this project will be by use of a permanent easement through the existing plaza and use of the traffic signal at Transit Road and French Road. Council Member Donna Stempniak stated that access through a busy parking lot is very unsafe. The Planning Board told the applicant that he will need to look into ways to improve the primary entrance/exit to this project. A north road to this project will be provided for emergency vehicles only.

DETERMINATION

At the request of the applicant, this project is adjourned to Planning Board meeting on June 3, 2009, at which time the applicant will address the following issues: 1.) Applicant to provide professionally prepared survey. 2.) Plan to show a berm to the south and to the east of the project. 3.) Pedestrian access to TOPS plaza. 4.) Open space on developed balance of property to be addressed. 5.) Primary route in and out of parcel needs to be improved. Motion to adjourn this project was made by Rebecca Anderson, seconded by Neil Connelly and unanimously carried.

OTHER MATTERS - None

At 9:32 PM Rebecca Anderson made a motion to adjourn the meeting. Motion seconded by Lawrence Korzeniewski and unanimously carried.

