

MEETING MINUTES

Attendance:

- Richard C. Bulman *
- Robert J. Deutschlander *
- Darlene L. Humphrey *
- Leonard A. Vento *
- Steven Vriesen
- Mark K. Grucella *
- Mary Kless *
- James B. Allein *
- William R. Natalzia *
- Jeffrey H. Simme *
- James F. Volpe

Arthur A. Herdzik, Village Attorney (Ad-hoc Member) *

*Note: * indicates those present*

Richard C. Bulman called the meeting to order at 7:05 P.M.

The meeting minutes of 07/17/2003 to be voted upon at the meeting of 11/20/2003.

Listed Correspondence – N/A

Site Plan Review – Woodcrest East Apartments - located at the southeast corner of Harvey & George Drives - Bryan A. Young, President, W. K. J. Young Group, 2240 Southwestern Boulevard, West Seneca, New York 14224.

JH Simme – Zoning applies and setbacks okay. RC Bulman – Short SEQR – Commercial should be checked as well as Residential, buildings are on commercial property. Dumpsters are sitting out there by themselves and should have plantings and screenings incorporated at dumpster areas. LA Vento stated there is enough of a buffer to adjacent properties – is comfortable.

BA Young - W. K. J. Young Group owns apartments across the street and will target same market as apartments across the street, hydrant by consumer's retention basin with a couple of sewer storm water – manhole – preliminary – making sure neighbors are happy. Front of buildings will be bricked – to mimic Woodcrest across the street \$650.00/month and all units will have sprinklers. Construction will start in 1 to 2 months, or in April 2004.

A copy of finalized drawings to be forwarded to Superintendent of Public Works.

A Motion was made that the Site Plan as presented for Woodcrest East Apartments with some modifications be approved and reviewed with other agencies.

Motioned by **James B. Allein**, seconded by **Robert J. Deutschlander**.

Carried: 7-0

Other Business:

Environmental Assessment form (SEQR) – Sanitary Sewer Overflow Abatement – SSO No. 004 Holland Avenue – William R. Natalzia, Superintendent of Public Works – Village of Lancaster has a consent order to remove several overflows from the sanitary sewer system shown on attached map – reconstruction, replacement and rehabilitation of sanitary lines sewer scheduled to begin April 2004 – need to have SEQR Environmental Review done prior to Village of Lancaster being able to complete the bond issue for funding.

RC Bulman - this is a straight-forward environmental assessment because of the fact that the streets are going to be excavated sewers repaired and streets backfilled and topped. There's going to be noise and dust, which frequently happens with work of this nature. There's not going to be any additional environmental problem as far as the construction is concerned. One of things it will do in a long-term basis is the fact that it will eliminate an overflow(s) at Plumbottom Creek & Holland Avenue. Sewage will remain in the system and there will not be any discharge of same into Plumbottom Creek.

WR Natalzia - After project is completed an assessment and review will have to be completed by the Village and work on a preliminary ordinance which will require everyone tributary and eventually everyone in the village to install a sump pump, either at option while living there or when the house is sold.

RC Bulman - amount of water infiltrated will be eliminated and the incidence of sewers being overloaded will diminish quite a bit. While doing mainline - laterals will be replaced to property line. Sump pump will direct water away from building. Court Street north of pleasant drains. M Kless - Inquired if homeowner notification with sewer bill. WR Natalzia - Normally letters sent to every homeowner in project location. Some Sewer to be relined and some completely replaced.

A Motion was made that Short Environmental Assessment (SEQR) be accepted as presented with no significant adverse effect.

Motioned by **Robert J. Deutschlander**, and seconded by **James B. Allein**.

Carried 7-0.

Outdoor Dining - MEMO from JH Simme, Building Inspector, Outdoor Dining Application for The Ellicott Manor, 16 Ellicott Place - JH Simme - this property was issued a building permit 2001 for an addition - outdoor service area new foyer when constructed, discovered no outdoor dining was permitted, court cases went on and on.

AA Herdzyk distributed copies of the Outdoor Service of Food or Drink by an Eating or Drinking Establishment Ordinance. This Ordinance requires approval by the Planning Commission.

JH Simme - Plan indicates owners do have enough parking area. The Village Board felt it should come back Monday night.

DL Humphrey - Have any other establishments applied, or is this the first to formally apply?

JH Simme - It is the first Outdoor Dining application.

A lengthy discussion followed with the member asking questions of both Messrs. Simme and Herdzyk. As a result it was the consensus of the Commission that the Code Enforcement Officer review any further applications as to their conformity with all applicable Codes/Ordinances and the Commission will recommend approval, possibly with additional requirements, because this is a Special Use Permit situation or denial if warranted.

RC Bulman - In response to DL Humphrey's statement about our decision possible setting a precedent - Each of these outdoor dining facilities would have to be looked at on their own merit. - based upon the situation that exists in that particular neighborhood and whether it meets all the requirements of the ordinance.

RJ Deutschlander asked if this Special Use Permit was renewable every year. AA Herdzyk said the Villager Board can rescind this temporary permit if party did not live up to stipulations.

A Motion was made that the Outdoor Service of Food or Drink by an Eating or Drinking Establishment Special Use Permit be approved as outlined in the Code for The Ellicott Manor, 16 Ellicott Place, Depew, New York 14043, and our decisions be sent to the Village Board.

Motioned by **Leonard A. Vento**, seconded by **Robert J. Deutschlander**.

Carried 7-0.

Old Business: Upton Street Project - RC Bulman received a call from Robin Pfeil regarding Upton Place - planned unit development and requirements will have to be met by Mr. Pfeil for November Meeting.

DL Humphrey stated that Upton Street is still owned by the Village.

WR Natalzia had Erie County remove Upton Street from the in-rem list because it is still considered a highway right-of-way.

A Public Hearing is required to abandon property. Property along railroad, running east to west, needed to proceed with project.

DL Humphrey – Public Notice – apartment complex – recommended that a sign be posted with property location and Public Hearing notification.

RC Bulman will talk with Mr. Pfeil and apprise to discuss same with Village Board or otherwise project is dead in the water.

Zoning Ordinance Update: RC Bulman - Reported on fact grant application for the preliminary work is still underway with the Village soliciting funds from HUD on the upgrade of rezoning ordinance – hopefully by next meeting in November we should have some definitive word as to what that will entail.

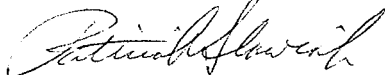
Petitioning Albany for HUD office in Buffalo. Jeffrey J. Stribing is in contact with various individuals from HUD office regarding upgrade of zoning ordinance.

Scheduling of Next Meeting – December 18, 2003.

Motioned to adjourn this meeting, motioned by **Leonard A. Vento**, seconded by **Darlene L. Humphrey**. Meeting adjourned at 8:22 P.M.

Carried 7-0.

Respectfully submitted,



Patricia A. Slawiak
Planning Commission Secretary

- cc: W. G. Cansdale, Mayor
Village Board of Trustees
W. R. Natalzia, Supt. DPW
J. H. Simme, Building Department
T. Derkovitz, Village Clerk
K. W. Delzer, Zoning Board Chairman
J. F. Volpe, Fire Chief