

VILLAGE OF LANCASTER
OFFICIAL MEETING MINUTES-PLANNING COMMISSION

SEPTEMBER 15, 2016

Present: James Allein, Chairman
Linda Parzynski, Vice-Chairperson
Richard Bulman
Robert Deutschlander
Mark Grucella
Neil Connelly
Mary Kless (Alternate)
Matt Fischione, Code Enforcement Officer

Excused: Mary Refermat

Meeting called to order at 7:00p.m. by Chairman Allein in the Council Chambers of the Lancaster Municipal Building, 5423 Broadway, Lancaster, New York.

Neil Connelly led the Pledge of Allegiance.

Motion made by **Richard Bulman** and seconded by **Robert Deutschlander** to accept the minutes from the June 16, 2016 Planning Commission meeting.

Chairman Allein	Voted Yes
Vice-Chairperson Parzynski	Voted Yes
Richard Bulman	Voted Yes
Robert Deutschlander	Voted Yes
Mark Grucella	Voted Yes
Neil Connelly	Voted Yes
Mary Kless	Alternate

Motion carried

Communications

E-mail from Member Mary Refermat conveying her concerns on the Site Plan for Tim Hortons.
Letter from Code Enforcement Officer Shawn Marshall with his comments/concerns on the Site Plan for Tim Hortons.

Trustee O'Brien, Trustee Robinson, Trustee Schroeder and Trustee Sugg were in attendance along with John Mikoley from the CDC and Dawn Gaczewski, Director of Special Events.

Chairman Allein clarified his statement about the Tim Horton Site Plan. He has not made a decision about the proposed Tim Horton and will not until after he has seen the presentation and listened to all interested parties.

Site Plan Review-Lancaster Mini Mart at 5424 Broadway, proposed 713 sq ft addition for a Tim Hortons. Elizabeth A. Reilly-Meegan of Reilly Meegan Architecture presented the proposed Tim

Horton for the owners Puri and Joga Singh. The 690 sq ft addition will be for service of food only. There will not be any tables inside for customers but three tables outside for patrons. Traffic will be directed one way off of Central Avenue and be directed by pavement markings and directional signs. A Stop bar will be used to assist vehicles that are fueling at the gas pumps. A proposed 4' high wood fence board on board would be an upgrade for the neighboring property. A 14 car drive thru que lane with traffic control pavement markings will be provided. The 9 parking spaces to the north of the property will remain as is along with the enclosed dumpster area. The entire building will be refaced and new signage will be added but no back lit signs will be used. The 21.79' pass thru will need to be widened to meet code at 22' unless a variance is granted. Mary Kless expressed concerns over the amount of cars and traffic created by this business. Concern was also expressed about the effect this will have on our local businesses and safety of our residents. The Singh Family would also provide a parking lot attendant to help with traffic control in the beginning to alleviate problems.

Mr & Mrs Singh are the owners of the Lancaster Mini Mart and have found that they are in need of additional business which would be provided by the Tim Hortons. They currently sell coffee but it is not on the scale of the Tim Horton business proposed. They have been good neighbors of the community by allowing use of their property during special events and closing down during special events. The 9 parking spaces to the north of the property are used by Town employees and customers of the Town Hall through a Perpetual Easement with the Town of Lancaster.

Neil Connelly stated that this was a real bad idea. There was an informal poll of the Town Planning Board and no one was in favor of the project. His concerns include: parking, character of the Central Business District and traffic. During the SEQR process a Positive Declaration would have to be found as a significant impact on traffic.

Ms. Reilly-Meegan did question the positive declaration on the SEQR and clarified that a Tim Horton does not increase traffic but takes people off of the road for the convenience of its product. The south entrance will be one way in and the law stating that you can not impede the use of the road or sidewalk by blocking with traffic for a drive thru will be followed.

Other new locations for Tim Horton have been proposed such as Broadway and Pavement in Lancaster and Dick Road at the Captain's Cove in Cheektowaga.

Mark Grucella commented on the Colvin location in which gas patrons are blocked in by the drive thru patrons of the Tim Hortons.

Linda Parzynski has concern for Emergency responders. The additional traffic at this intersection will slow their response time. There are existing traffic issues at this intersection which will only be made worse by the Tim Horton.

Deliveries will use the south entrance and be conducted between 6p.m. and 11p.m. The dumpster will be serviced after business hours.

The Historic Preservation Commission has adjourned this project concerning the signage and outside appearance.

Persons addressing the Planning Commission

Robin Handy, PE, Combat Veteran and father of 5 was brought here tonight by the article concerning the Tim Horton project. He would like to see a retraction printed for the misquotes. His concerns on the project include: fire access, safety issues, easement agreement for parking spaces and traffic patterns. This is nothing personal against Mr. & Mrs. Singh.

Francis Stock expressed his concerns for the safety of motorists and pedestrians, emergency response being interfered with and the responders safety, Broadway and Central no turn on red, entrances restricted for larger vehicles, rush hour congestion, blocking of sidewalks and crosswalks and the blocking of the bus stop storage lane. He was also concerned about the enforcement of the pavement markings and did not see them as being enforceable and did not want unqualified people trying to direct traffic and enforce signage. Emergency situation has no escape route. Set back location of pumps may need a variance for 40 vehicles on the site. There is no variance on safety. This site will become a dual franchise with Petroleum Co. and Tim Horton. Great progress has been made to our walkable community, don't evolve into something else when we are so close to our goal.

Francis Sikora submitted 176 signatures on a petition against the proposed Tim Horton. MiMi's Café is a local merchant and he would like to see local merchants supported and not a Subway or Tim Horton. The traffic problems that this project would create would not be beneficial to our community.

Sherri Sikora of MiMi's Café is opposed to the Tim Horton project and would like to see local merchants supported.

Frank Maddox found that the gas station does currently sell coffee. His concerns include: safety, walkability and found the newspaper comments offensive.

Further Discussion

Matthew Fischione, Supervising Code Enforcement Officer stated that this is a non-conforming use and the addition of 713sq ft takes it out of the non-conforming use. Therefore 8 variances will be needed for items such as: parking, loading, size increase, fence height and outside seating may need a Special Use Permit . The parking and stacking are challenges of this project.

Mary Kless noted all of the people who came to the meeting and have genuine concerns and interest in this project. A representative from the Bee was present but the Buffalo News should have had someone at this meeting to rebuke the false statements.

Richard Bulman felt that there were too many questions on the project to take a definitive action. In all fairness more information was needed and a decision should be made on the facts presented. Tim Horton is not a destination but a stop thru in travels. Not every Tim Horton is a problem and therefore the applicant should return with the answers to the questions.

Neil Connelly disagreed and referenced the 8 variances required for the project and stated that this site plan should be denied and the applicant has the opportunity to submit a new site plan if that is their desire.

Motion made by **Neil Connelly** and seconded by **Mary Kless** to recommend the denial of the Site Plan for the Tim Horton at 5424 Broadway to the Village Board with the following reasons:

1. Multiple variances required
2. Negative traffic impact
3. Negative effect on existing businesses
4. Safety issues
5. Lack of access for emergency responders
6. Adverse effect on parking and traffic flow adjacent to the Town Hall and Opera House
7. Negative effect on pedestrian use area

Chairman Allein	Voted Yes
Linda Parzynski	Voted Yes
Member Bulman	Voted No
Member Deutschlander	Abstained
Member Grucella	Voted No
Member Connelly	Voted Yes
Member Kless	Voted Yes

Motion Carried 4-2 with one abstention

Ms. Reilly-Meegan stated that this was a concept plan and was an opportunity to get feedback from the Commission and community. She would like to have the opportunity to return to the Commission with answers to the questions brought up in tonight's discussion and have proof provided of the negative effects of this project.

The plans and application were reviewed and they are marked Site Plan submittal and not as a Conceptual Plan. The next step is for the Village Board to review the project and changes can be made before the Village Board does their review.

Other Discussion

Semi-trailers are still using Sheldon Avenue to access Beach Avenue from Walden Avenue. The trucks narrowly miss hitting fire hydrants in the residential area. If the trucks are for local deliveries they are allowed on these roads. The suggestion made was for Member Grucella to attend a Village Board meeting with his neighbors to discuss a remedy to this situation.

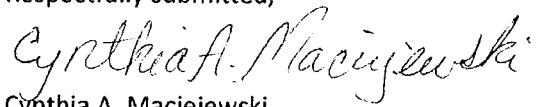
A grant has been applied for to have the loading dock removed at the end of West Main Street. The Severyn boys have submitted a proposal for the area and Aquino LLC submitted a request to purchase the property. No plans as of yet for the Planning Commission to review.

Motion made by Richard Bulman and seconded by Robert Deutschlander to adjourn the meeting at 8:33p.m.

Chairman Allein	Voted Yes
Linda Parzynski	Voted Yes
Member Bulman	Voted Yes
Member Deutschlander	Voted Yes
Member Grucella	Voted Yes
Member Connelly	Voted Yes
Member Kless	Voted Yes

Motion Carried

Respectfully submitted,



Cynthia A. Maciejewski

Secretary to the Planning Commission