

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
AUGUST 3, 2020

PRESENT: TERRY HARMON, CHAIRMAN, MARSHALL ROTH, JEFF TRACY, ROBERT BRAGG, DON GILL, STACY STOLL, JASON DOOL, CHIEF BUILDING INSPECTOR

There was no Corporation Counsel present.

The meeting of the Lockport Planning Board was called to order at 5:00 P.M. at the Lockport Municipal Building, One Locks Plaza, Lockport, New York.

A virtual meeting was also set up for those applicants that could not physically be present do to COVID related issues.

1. Metzger Engineering. 360 So. Transit Street. Request to erect a 4' wooden fence on the northeast area of the property situated in a B-4 Zone.

Mike Metzger was present at the meeting.

Mr. Metzger stated that he was here last month and they discussed the project. He said that the Board recommended that the project go before the Traffic Advisory Committee. He said that Traffic Advisory met today and they unanimously approved the plans as they were presented. He said they felt the two entrances on Transit and one on Gaffney were appropriate.

Commissioner Bragg stated that they previously talked about the flow of traffic. He asked if all of the access points are two-way.

Mr. Metzger said that they are all going to be two-way with no restrictions. He said that you can access the drive-thru off Gaffney or Transit. He said that the traffic pattern is pretty straight forward. He said they added the Gaffney to make it easier for the people coming from the interior of the City. He said they won't have to come in off Transit.

Commissioner Bragg said that they are going to be able to take a left into the parking lot and continue through the site.

Commissioner Bragg asked if they are going to replace the tree that they have to remove.

Mr. Metzger said yes, they are moving it.

Commissioner Harmon asked if they are closing the exit into the Plaza.

Mr. Metzger said yes.

Commissioner Harmon asked how?

Mr. Metzger said that they are going to fill it in with more guardrail. He said they want to close it off so there is no access to this site from the Plaza.

Commissioner Harmon asked if they are going to install anymore lighting in the parking area or just what is on the building.

Mr. Metzger said the lighting will only be on the building, there is adequate street lighting already existing.

Commissioner Roth asked if there are any restrictions on the flow of traffic.

Mr. Metzger said no.

Commissioner Roth asked if Traffic Advisory had any issues with this.

Jason Dool stated that there were no issues with the layout. He said that the Fire Chief was happy because the access isles are wide enough for emergency vehicles.

Mr. Metzger said that this design is made for better emergency vehicle access and handicap access.

There being nothing further Commissioner Tracy made a motion to waive the reading of the SEQRA and accept it as presented. Seconded by Commissioner Gill.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

SEQRA ACCEPTED

Commissioner Tracy made a motion to approve the site plan as presented. Seconded by Commission Gill.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-no
Commissioner Tracy-yes

SITE PLAN APPROVED

2. George Oriold. 573 Niagara Street. Request to subdivide the approximately 5-acre parcel into three building lots situated in an R-2 Zone.

Mr. Oriold joined the meeting virtually.

Mr. Oriold stated that he purchased the 5-acre lot along the north side of Niagara Street. He said that it is approximately 338' wide and he would like to create three lots along the frontage. He said there will be a 66' wide access to the back of the property that can be developed in the future. He said right now he would like the create the three lots with frontage. He said that he believes that he made the lots the correct size.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to approve the request to subdivide the approximately 5-acre parcel. Seconded by Commissioner Roth.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

APPROVED

3. Candy Giles. 544 Niagara Street. Request to subdivide a 25' x 192' section of land and combine it with 480 Niagara Street situated in an I-2 Zone.

Ms. Giles stated that she purchased the property and is trying to get approval to subdivide it. She said that she wants to put up a garage. She said that she will combine this parcel with her house.

Commissioner Harmon asked what the purpose of the garage is.

Ms. Giles said that they are going to build a two-car garage and add another entrance to her property.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to approve the request to subdivide a 25' x 192' section of land and combine it with 480 Niagara Street. Seconded by Commissioner Stoll.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

APPROVED

4. Egleston General Construction. 242 Genesee Street. Request to install metal siding on the rear of the building situated in an R-3 Zone.

Mr. Andy Rosenberg, Prudden and Kandt was present with Mr. Marc Egleston.

Mr. Egleston stated that they would like to put up metal siding on the back of the building. He said it will be approximately 50'.

Commissioner Roth asked what color the siding will be.

Mr. Rosenberg said it will be gray.

Commissioner Roth asked if it will be similar to what is there.

Mr. Rosenberg said yes, what is there is crumbling right now.

Mr. Egleston said that it will be light gray.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to approve the request to install metal siding on the rear of the building. Seconded by Commissioner Roth.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

APPROVED

5. Kenan Center, Inc. 433 Locust Street. Request to install a “Daisy Adventure Garden” situated in an RA Zone.

Ms. Susan Przybyl & Mr. Francis Sullivan from the Kenan Center were present.

Mr. Sullivan stated that they would like to install a Daisy Garden on the west side of the arena around the existing trees. He said that it will be an educational program.

Commissioner Roth asked if the garden will be fenced in or if any lighting will be installed.

Mr. Sullivan said no, they have enough lighting.

Commissioner Roth asked about a fence being installed.

Mr. Sullivan said no, it will be open. He said it will be an area for kids. He said it will be an educational program.

Commissioner Bragg asked if there was going to be any drainage issues.

Mr. Sullivan said no, it will have a gravel walkway and pavers installed as well.

Commissioner Bragg stated that the water could be absorbed then.

Mr. Sullivan said yes, the ground can absorb the water.

Commissioner Tracy asked if they plan on putting any signage up for the hours of operation.

Mr. Sullivan said that it will be from dusk until dawn.

Ms. Przybyl said that the entire campus is open from dusk until dawn. She said they are trying to create a safe environment for the kids.

Mr. Sullivan said that the Montessori School will use the garden as well and an educational program.

Commissioner Roth asked what the time frame for installation is.

Mr. Sullivan said that they already started to build the structures. He said that they plan on having it done by October.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to approve the request to install a “Daisy Adventure Garden”. Seconded by Commissioner Gill.

6. C.E. Beney, LLC. 1149 Lincoln Avenue. Request for a Special Use Permit to utilize the existing building as a medical office situated in a B-4 Zone.

Mr. John Ottaviano, attorney was present to represent the case.

Mr. Ottaviano stated that the Kenyon family owns 1149 Lincoln Avenue and there is a contract to purchase the building. He said that Dr. Beney would like to relocate his medical practice to the former Crafts and Creations building. He said that Dr. Beney intends to renovate the building. He said that the building is zoned B-1 that allows shops and stores but not medical offices. He said that they are requesting a Special Use Permit for the medical office. He said there will also be a lease agreement between the Kenyon's and Dr. Beney to lease 12 parking spaces in the area to the north of the building. He said there will also be an agreement for ingress and egress that will remain in place for the duration of Dr. Beney's practice being in the building.

Commissioner Tracy asked if the lease for the parking is for as long as Dr. Beney owns the property or as long as his practice is there.

Mr. Ottaviano said as long as the practice is there.

Jason Dool said that there is actually enough parking on the site for what Dr. Beney wants to do. He said that anything extra they are leasing is above and beyond. He said that they will be going before the Zoning Board for the rear lot line.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to recommend the Special Use Permit for a medical office to the Council. Seconded by Commissioner Stoll.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

RECOMMENDED TO COUNCIL

7. OYA Solar, NY L.P. 219 and 251 Summit Street. Request to subdivide the single-family homes off the existing 20.13-and 44.65-acre parcels and combine the remaining parcels situated in an R-1 Zone.

Mr. John Ottaviano, attorney and Mr. Raymond Ruhlmann, owner of the property were present in person and Mr. Glen MacKay from OYA Solar joined the meeting virtually.

Mr. Ottaviano stated that there are two properties that are approximately 60 acres of land on the south side of Summit Street. He said they are requesting to subdivide the property because it is a requirement that NYSEG has in place for this project. He said that there are two projects. He said that in order to comply with NYSEG's regulations they need to combine the three existing parcels labeled in project "A" and the two parcels labeled in project "B" while separating the residential properties out.

Commissioner Bragg asked how parcels are in project "B".

Mr. Ottaviano said two.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to approved the request to subdivide the single-family homes off of the existing 20.13 and 44.65-acre parcels and combine the remaining. Seconded by Commissioner Tracy.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

APPROVED

8. OYA Solar NY, L.P. 219 & 251 Summit Street. Request for a Special Use Permit to install a 5 MW ground mounted solar facility situated in an R-1 Zone.

Mr. John Ottaviano, attorney, Mr. Ray Ruhlmann, property owner were present in person and Mr. Glenn MacKay from OYA Solar joined the meeting virtually.

Mr. Ottaviano stated that this a community distribution project that will be located at 219 and 251 Summit Street. He said that it is a large 5 MW project. He said that one project labeled "A" will be located on a 43-acre parcel with 10 acres covered with panels and project "B" will be located on a 16.46-acre parcel covering 3.74 acres with panels. He stated that OYA has a twenty-year lease with the land owner with four 5-year extensions.

Mr. Ottaviano said that if you visited the site it is currently agricultural and farmed for soy beans. He said that the property is zoned R-1, which allows essential services by Special Use Permit. He said that the project has been reviewed by Building Inspection and the City Engineer. He said that the SEQRA was sent to the Army Corp of Engineers and they determined that they do not have jurisdiction over the project.

Mr. Ottaviano said that they sent the project to the DEC and it was determined that there is no impact on the site water. He said that they have their Environmental Engineer present with a copy of the SWPP. He said that this site is unique and while doing an archeological study an artifact was found. He said that SHIPO requested that they move site "A" 50' to clear the area where potential artifacts could be found. He stated that SHIPO also recommended a berm be installed due to the location of the historical house on the northwest corner of the project. He stated that OYA is working with SHIPO and they will have to sign off on the visual impacts of the project. He said that they are installing fencing with green screening as well to cut down any visual impact from the street.

Mr. Ottaviano stated that would like to begin this project in the Spring of 2021 and complete it by August of 2021. He said that the panel usually have a 25-year life span and at the end of than span they would remove the equipment and restore the land to its original state. He said that usually takes about six to ten months.

Commissioner Tracy asked what SHIPO stands for.

Mr. Ottaviano said it is the State Historical Preservation Office.

Commissioner Tracy asked if OYA has any examples of projects that they have removed equipment and restored the land.

Mr. MacKay said no, they do not have any projects that have been installed for that long yet. He said that they do have a decommissioning plan that requires a security bond to ensure the land is restored.

Mr. Ottaviano said that they can provide the plan.

Commissioner Tracy stated the he would like to see that plan.

Jason Dool stated that he wanted to make it clear that if the projects were removed the land would revert back to R-1 not agricultural.

Commissioner Gill asked where else in the area OYA has installed projects.

Mr. MacKay stated that he believes they installed one near Lockport. He said that he can find the locations and send them to the Board.

Commissioner Harmon said that he would like to see the other sites.

Commissioner Gill stated that this is all new to them and they would like to learn everything they can.

Commissioner Harmon asked about the vegetation that is going to be installed. He asked if they plan on maintaining it.

Mr. Ottaviano said that they have to so that it doesn't interfere with the panels.

Mr. MacKay said that the plant normal vegetation like tall grass. He said that they contract someone to come in two or three time a year to mow them down.

Commissioner Gill asked how many panels total there will be.

Mr. MacKay said that on site "A" there will be 18,642 and on site "B" there will be 7,410 individual panels.

Commissioner Gill asked how large each panel is.

Commissioner Tracy said that according to the plan they are 3' x 4'.

Mr. MacKay said that they a normally 3' x 4'.

Commissioner Bragg asked how high the panels are when they tipped at a 60-degree angle.

Mr. MacKay said they are 9'.

Commissioner Bragg said that there is an antenna on the drawings that looks to be 28' above grade. He asked where that will be located.

Mr. MacKay said that is a hydro pole, if you look on the drawing labeled S200 there is a cluster of three dots, that is where it will be located.

Commissioner Bragg asked how close to the street it will be, you can't hide something that tall.

Mr. MacKay said that they try to get them as close to the road as they can because of the utility company requirements. He said that they are at the mercy of NYSEG.

Commissioner Bragg asked what kind of material the pole will be.

Mr. MacKay said wood.

Commissioner Bragg said that it would be the same as the utility poles.

Mr. MacKay said yes.

Commissioner Bragg asked if there will be green screening mesh on the rear of the property.

Mr. Ottaviano said that the dark green line on the plans shows the screening locations. He said there will be a 7' high fence with green slates in it.

Mr. Bragg asked if the mesh was to protect the property or for visual impact. He said that people sitting on the second floor of their houses can still see over the fence.

Mr. Ottaviano said that it is to keep people out and for visual impact. He said that if you look at the west side of the drawing you see the screening stop and it is regular fencing.

Mr. MacKay said that they can put together a screening simulation for the Board so that they can see what it is going to look like.

Commissioner Bragg said that with the grade change on the property people could see over the fence. He said that there is natural vegetation on the south side of the property to break some of that up.

Commissioner Harmon asked if there is a glare problem with the panels.

Mr. MacKay said that it is minimal. He said that the panels are situated north to south and rotate to track the sun east to west. He stated that the majority of the light would be reflected toward the sun. He said that the panels are very efficient and any reflected sun light is a loss of power generated. He said that there is a near zero glare.

Commissioner Harmon questioned the house to the northwest of the property and how they will be affected.

Mr. Ottaviano said that SHIPO is regulating that.

Commissioner Tracy asked Mr. Ruhlmann if he owns the property across the street.

Mr. Ruhlmann said yes, that OYA has a lease option to use the property on the north side of the street down the road.

Commissioner Tracy asked if the system makes any noise.

Mr. MacKay said minimal. He said that it is equivalent to ambient noise. He said that is similar to a bunch of refrigerators or transformers. He said that it is about 40-50 decibels.

Commissioner Tracy said a tractor would make more noise than the panels then.

Mr. Ruhlmann said that Summit Street also has a lot of truck traffic.

Mr. MacKay said that the noise would be minimal at night, any noise generated would be during the day light.

Commissioner Tracy asked if there would be any site lighting.

Mr. MacKay said no additional lighting would be added.

Commissioner Bragg asked if the panels will affect any other cellular or television service.

Mr. MacKay said no, it is low voltage and doesn't emit electronic noise.

Commissioner Gill asked if this is the biggest project the company has done.

Mr. Ottaviano said that OYA does community projects that are a maximum of 5 MW. He said that there is a difference between industrial solar projects which is 10 MW or larger and community solar projects.

Commissioner Gill said that he would like to see some other projects and talk to the surrounding people.

Mr. Ruhlmann said that when he sold the stone house six or seven years ago it was with about 14 acres of land to the east of the house with the idea of having a buffer from anything that goes next door.

Commissioner Tracy stated that he would like to see the decommissioning plan, virtual screening plan and a list of near by project before they make a determination.

Commissioner Bragg said that he would like to see the glare study as well.

Commissioner Harmon stated that he would like to see the SHIPO findings as well.

Commissioner Bragg asked if there is information on the berm that is being installed.

Mr. Ottaviano said that SHIPO is regulating that.

Mr. Ottaviano said that he will also get the Board a letter regarding the difference between community and industrial solar.

There being nothing further Commissioner Roth made a motion to table the decision until further information is provided to the Board. Seconded by Commissioner Tracy.

Commissioner Gill-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Stoll-yes
Commissioner Roth-yes
Commissioner Tracy-yes

TABLED

Commissioner Stoll made a motion to approve the minutes from the July 13, 2020 meeting. Seconded by Commissioner Tracy. Ayes-6 Noes-0

Commissioner Roth made a motion to adjourn the meeting. Seconded by Commissioner Gill. Ayes- 6 Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE SEPTEMBER 14
, 2020. IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754
OR mbrewer@lockportny.gov.**