

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
JULY 13, 2020

PRESENT: TERRY HARMON, CHAIRMAN, MARSHALL ROTH, JEFF TRACY,
ROBERT BRAGG, DON GILL, JASON DOOL, CHIEF BUILDING INSPECTOR,
PAT McGRATH, DEPUTY CORPORATION COUNSEL

EXCUSED: STACY STOLL

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.

1. Anthony Fazzolari. 135 East Avenue. Request to erect a 4' wooden fence on the northeast area of the property situated in a B-4 Zone.

Mr. Fazzolari stated that he would like to install a 4' fence.

Commissioner Gill asked if there is a driveway easement with the neighboring property.

Mr. Fazzolari said yes.

Commissioner Gill asked if this is going to cause a problem.

Mr. Fazzolari said no.

Commissioner Harmon asked what material the fence will be.

Mr. Fazzolari said 4' wooden.

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 erect a 4' wooden fence on the northeast area of the property. Seconded by Commissioner Roth.

COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES

APPROVED

2. William Wilcox. 415 Elmwood Ave. Request to subdivide a 9.2-acre section of the lot situated in an R-3 Zone.

Mr. Wilcox stated that he purchased this property a year and a half ago and he thought they were already separated. He said that he is requesting to separate the parcels.

Commissioner Gill asked if this is on the south side of the road.

Mr. Wilcox said that it is to the left of what he already owns.

Commissioner Harmon said that it is on the north side of the road.

Commissioner Gill asked what he is going to do with the property.

Mr. Wilcox said that he is selling it.

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 to request to subdivide a 9.2-acre section of the parcel. Seconded by Commissioner Gill.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

APPROVED

3. Metzger Engineering. 360 So. Transit Street. Request for site plan approval for a new 2,865 s.f. building situated in a B-1 Zone.

Mr. Michael Metzger was present.

Mr. Metzger stated that the property is zoned B-1 and the parcel is .57 acres. He said that it is basically an out parcel of the Plaza. He stated that the Credit Union operates at this site now. He stated that they just purchased the building and would like to demolish the existing building and build a new building. He stated that the old building is 1,400 s.f. and the new building will be 2,865 s.f. He said that they will be occupying the entire building because they need the space. He said that they plan on demolishing the existing

building and building the new building in the same place. He said that they are going to add some green space.

Mr. Metzger said that they will have the proper emergency access and adequate parking. He said that they will meet all the ADA requirements and all of the zoning requirements but one. He said that they acquired an area variance for the 30' rear yard setback because the canopy will be 22.2' from the line. He said that the main building will be 40' from the rear line. He said that they thought it best to ask for a variance and keep the building where it is to maximize the parking.

Mr. Metzger said that the Niagara County Planning Board approved the variance requested February 24th and the site plan on March 16th. He said that the company they are working with designs banks and credit unions and he thinks that they came up with a nice project. He said that this will be an asset to the community and a beautiful building.

Commissioner Gill said that he is concerned with entering and existing on Transit. He said that is a tight spot. He asked if they considered a one way in and one way out.

Mr. Metzger said that they left the existing ingress and egress. He said that they are adding an entrance on the Gaffney Rd side of the property. He said that they feel this will control the traffic and give people coming from the interior of the City another route. He said that the DOT is always looking for alternative routes to keep the traffic off the main road.

Commissioner Gill asked if Gaffney Rd will be an entrance and exit.

Mr. Metzger said yes.

Commissioner Bragg asked if the openings on the Transit are both two way.

Mr. Metzger said yes, both are in and out.

Commissioner Bragg stated that three locations for ingress and egress is a lot for such a small parcel.

Commissioner Roth asked with them increasing the building size and adding a third entrance, if they are anticipating an increase in traffic.

Mr. Metzger said no, it is the same business. He said now there will be less traffic because the other business that was in the building is gone.

Mr. Metzger said he thinks the Gaffney Rd entrance is important. He said that it will make the traffic flow better than everyone coming in and out off of Transit. He said that anyone can come in the entrance.

Commissioner Roth said that it is not an improvement for the neighbors.

Mr. Metzger said that it will be a community improvement.

Commissioner Tracy asked if the drive thru is two lanes for business or one for an ATM.

Mr. Metzger said it is two lanes with a third lane for people to get around if they get in the wrong lane. He said that it is 36' of pavement with three 12' lanes.

Commissioner Bragg asked if there is an elevation change on the Gaffney Rd side of the property.

Mr. Metzger said that Gaffney Rd goes up.

Commissioner Bragg asked if that is going to be a site issue.

Mr. Metzger said the building and the grade will go up together.

Commissioner Harmon asked what type of landscaping they plan on installing or if it will be just grass.

Mr. Metzger said that there are existing Maple trees. He said that they have to take one out but will be replacing it. He said the landscaping will mainly be around the building.

Commissioner Gill asked how many employees the Credit Union has now.

Mr. Metzger said he wasn't sure.

Commissioner Gill stated that this project should be in front of the Traffic Advisory Committee.

Commissioner Harmon asked if they can eliminate the Gaffney Rd entrance.

Mr. Metzger said that it isn't advisable. He said that the DOT is always looking for ways to improve traffic. He said that Gaffney is a public street. He said that this is not a Tim Hortons and not a huge traffic generator. He said that it is an improvement to traffic and they do this anytime they can.

Jason Dool suggested they refer the case to Traffic Advisory.

There being nothing further Commissioner Gill made a motion to refer the project to the Traffic Advisory Committee. Seconded by Commissioner Roth.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

REFERRED TO TRAFFIC ADVISORY

Mr. Metzger waived the 45-day decision requirement.

Commissioner Roth made a motion to table the request until the Board receives a report from Traffic Advisory. Seconded by Commissioner Gill.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

TABLED

4. David Leung, 85 Grand Street. Request to install a 1,000 gallon above ground diesel fuel tank situated in an I-2 Zone.

Mr. Tim Arlington from Apex Consulting was present.

Mr. Arlington stated that he is representing Causley Trucking Company. He said that they would like to install a 1,000-gallon tank that will be set 5' away from the building. He said that they are going to use it to refuel their trucks. He said that the Board has plans with the location of the tank and the protection around it.

Megan Brewer stated that when speaking with the owners she was told the tank was going on the south side of the building.

Mr. Arlington said that they told him the north side of the building.

Commissioner Tracy asked if the drawing is correct.

Mr. Arlington said yes.

Commissioner Harmon asked if there is going to be barriers around the tank.

Mr. Arlington said they are going to install bollard so the tank doesn't get hit.

Commissioner Harmon asked if there is going to be fire protection.

Mr. Arlington said that the unit has all the protection that it needs to meet the fuel Code guidelines.

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 a 1,000-gallon diesel fuel tank. Seconded by Commissioner Gill.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

APPROVED

5. Karissa Fernandez. 4 Nixon Place. Request for a home occupation to utilize a portion of the attached garage for a hair salon situated in an R-1 Zone.

Ms. Fernandez stated that should would like to convert part of her garage into a salon suite. She said that she currently works at Exclusively Hair and would like the convenience of working from her house.

Commissioner Gill asked about her parking situation.

Ms. Fernandez stated that they have a one car wide driveway right now that they have already contacted R & M to widen it. He said that the driveway right now can fit three cars long and when it is widened could fit six. She said that she would only have one client in at a time.

Commissioner Gill asked what her hours of operation will be.

Ms. Fernandez stated that it would be 10 a.m. to 7 p.m.

Commissioner Gill asked how many days a week.

Ms. Fernandez said four days a week.

Commissioner Harmon asked if she plans on having any signage.

Ms. Fernandez said no.

Commissioner Bragg asked about the six-car driveway.

Ms. Fernandez said that when they widen the driveway, they will be able to hold six cars, right now they can park three deep.

Commissioner Harmon read aloud a communication from the neighbors.

Commissioner Roth asked if Ms. Fernandez knows that she can't have any signage.

Ms. Fernandez said yes.

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 Home Occupation to utilize a portion of the attached garage for a hair salon. Seconded by Commissioner Gill.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

HOME OCCUPATION APPROVED

- 6 & 7. Brandon Marvin. 767 & 801 Market Street. Request for a special use permit to hold outdoor social event situated in an R-1 Zone and to install a split rail fence and a storage shed on the property.

Ms. Lindsey Marvin, 8497 Ridge Road was present at the meeting.

Ms. Marvin stated that she and her husband are the owners of Marvin's at Wide Waters. She said that they are looking to have summer events at the property. She said they are also looking to install a small split rail fence to define the parking lot and install a movable storage shed.

Commissioner Gill said that the shed has to go back 30' from the City right-of-way.

Commissioner Tracy asked with this crisis we are in, if they have any events scheduled and if they are still going as planned.

Ms. Marvin said that the music was all planned and they have events coming up. She said that they had some tentative ideas for other events, then COVID hit. She said that they would be community events.

Commissioner Roth asked what days they plan on doing the events.

Ms. Marvin said that they would be mostly on Thursday, Saturday and Sunday.

Commissioner Roth asked what the Saturday schedule would be.

Ms. Marvin said family events. She said they would be for the community and families.

Commissioner Gill asked if there will be any alcohol sales.

Ms. Marvin said that they do not have a liquor license. She said that they talked about having it catered with an off-premise license.

Commissioner Harmon asked if alcohol would be sold out of the stand.

Ms. Marvin said no, a separate tent and vendor would do it.

Commissioner Bragg asked how late the events would go.

Ms. Marvin said that Thursday music is going to be for 6 pm-8pm or 5:30pm to 8pm. She said that it would be during business hours.

Commissioner Bragg asked if she was comfortable with nothing past 8 pm.

Ms. Marvin said that is fine.

Commissioner Bragg asked if it will be alright to restrict the events to be from 11 am to 8 pm.

Commissioner Tracy asked if she plans on doing all these events during normal business hours and not extended those hours.

Ms. Marvin said they are doing the events during business hours. She said that they are not extended their hours. She said that they open at 11 and close at 9 most of the time. She said that they have been closing at 10 Friday and Saturday for the summer.

Commissioner Bragg asked if all of the events will be on Thursday and Saturday.

Ms. Marvin said that they will have music on Thursday and Sunday and Saturday will have community events like tug of war or something like that for a few hours.

Commissioner Bragg stated that the events would be from 11 am to 8pm three days a week.

The meeting was opened to the public.

The meeting was closed to the public.

Commissioner Tracy asked if Ms. Marvin was ok with them approving this until the end of the year to see how it goes and then revisiting this next year with a more solid schedule.

Ms. Marvin said yes, they can do that.

There being nothing further Commissioner Tracy made a motion to approve the installation of a split rail fence and shed. Seconded by Commissioner Gill.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

SHED AND FENCE APPROVED

Commissioner Tracy made a motion to recommend the Special Use Permit request to hold outdoor social events as follows:

1. The recommendation is for social events through the end of the 2020 calendar year only.
2. The social events shall be held only on Thursday, Saturday or Sunday during normal business hours.
3. The social events shall not extend past 8 p.m.
4. Any alcohol sales must be provided by an outside vendor.

Seconded by Commissioner Bragg.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

RECOMMENDED TO COUNCIL

8. The Broadway Group, LLC. 195 Walnut Street. Request for site plan approval to erect an approx. 9,000 s.f. retail building situated in a B-2 Zone.

Tara Mathias was present from the Broadway Group and David Ulrich was present as the current property owner.

Ms. Mathias stated that they would like to build a 9,100 s.f. retail space. She stated that there will be 30 parking stalls and pedestrian access. She said that they plan on installing green space while right now the entire lot is asphalt. She said that they tried to install a few trees in the landscaping to rejuvenate the lot. She said that there will be landscape islands to soften the appearance. She said that they meet all of the required setbacks. She said that they can tell that people are trying to rejuvenate the area and she believes that this building will fit in with what is going on in the area. She said that they are going to use two tone brick on the exterior. She said that they are going to use engineered brick

which will be weathered red and shell brown in color to give the building dimension. She said that are going to install gooseneck lighting and install faux windows on the side of the building to give it a nice appearance.

Ms. Mathias stated that they plan on hiring eight to ten employees. She said that the building will add to the tax base and bring in more tax revenue for the City. She said they will be providing parking for their customer base.

Commissioner Roth said, looking at the drawings there is an entrance on the Frontier Place side of the lot. He said that there is a yellow line draw on the plans where City parking exists currently. He asked what the significance of the line on the drawing is.

Ms. Mathias said that there is City parking there. She said they wish to use this area as an access to the store. She said that they have discussed this with the City but isn't sure of the outcome.

Commissioner Roth asked if this is going to be a defined access point for the building.

Ms. Mathias said yes, right now there is City parking there but it is not defined. She said adding this access point will provide structure to the parking.

Commissioner Gill said that he thinks that this should be referred to the Traffic Advisory Committee.

Commissioner Gill asked if they would be willing to change the dumpster enclosure to something that would match the building.

Ms. Mathias said possibly. She said that a fence is required but not an enclosure that matches the building.

Commissioner Gill said that it would look nicer if it matched the building.

Commissioner Tracy said that they feel if the enclosure matched the building would be less attractive to vandals.

Commissioner Roth said that he agrees that they should upgrade the dumpster enclosure.

Commissioner Tracy said that they appreciate all of the thought they put into this building.

Commissioner Gill questioned the drainage for the building.

Jason Dool explained that the drainage needs to be reviewed by the City Engineer.

Ms. Mathias stated that they did the drainage calculations and they are not installing any new asphalt. She said they are installing green space therefore reducing the amount of run off into the storm sewer.

Jason Dool asked if there are any existing receivers in the existing lot.

Mr. Ulrich said he didn't think so.

Jason Dool said that they will have to look at the size of the pipe and possibly look into some retention if necessary.

The meeting was opened to the public.

The meeting was closed to the public.

Commissioner Tracy made a motion to recommend the project to the Traffic Advisory Committee for review. Seconded by Commissioner Roth.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

RECOMMENDED TO TRAFFIC ADVISORY

Commissioner Tracy made a motion to table the site plan decision until they receive a report from Traffic Advisory. Seconded by Commissioner Bragg.

**COMMISSIONER TRACY-YES
COMMISSIONER HARMON-YES
COMMISSIONER STOLL-YES
COMMISSIONER GILL-YES
COMMISSIONER BRAGG-YES**

TABLED

Commissioner Tracy made a motion to approve the minutes from the March 5, 2020 meeting. Seconded by Commissioner Roth. Ayes-5 Noes-0

Commissioner Tracy made a motion to adjourn the meeting. Seconded by Commissioner Gill. Ayes- 5 Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE AUGUST 3, 2020.
IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR
mbrewer@lockportny.gov.**