

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
MAY 3, 2021

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

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. LaPort's Storage, LLC. 505 Park Avenue. Request to install metal storage containers on the property situated in an I-2 Zone.

Erika O'Brien was present to represent the request.

Ms. O'Brien stated that they would like to put conex containers on the property. She said they are steel frame, wind resistant and weather resistant. She said that they will be placed in an orderly fashion.

Commissioner Roth asked how many containers they will have on the property.

Ms. O'Brien said that they need to see how many will fit. She said that it will be neat, they did a lot of work to the property to clean it up already.

Commissioner Roth asked if they have a specific number of containers they want.

Ms. O'Brien said around 8 or 10, possibly more. She said it will look better than random items being stored all over the property.

Commissioner Harmon asked what color the containers are going to be.

Ms. O'Brien said that she wasn't sure.

Commissioner Harmon asked if they are all going to be the same color.

Ms. O'Brien said yes.

Commissioner Harmon asked if the lot is going to be lit.

Ms. O'Brien said yes, her husband is an electrician and can do the work.

Commissioner Harmon asked what the distance between the containers is going to be. He said they are concerned with vegetation growing between the containers and them not being able to maintain it. He said that there are a few of these containers around the City and they need to have framework underneath them for airflow.

Ms. O'Brien said that she can have her brother install that.

Commissioner Harmon said that they can use 6' x 6' posts.

Commissioner Roth said that they would like to see all the containers the same color and no weeds or junk laying around.

Ms. O'Brien said that they are getting quotes to have the lot sprayed for weeds to keep them down. She said that she is a teacher and has a vested interest in the community.

Commissioner Gill asked if the containers are going to be in a single row.

Ms. O'Brien said yes.

Commissioner Tracy asked if she has a similar operation anywhere else.

Ms. O'Brien said no.

Commissioner Bragg asked what is going to be stored in the containers.

Ms. O'Brien said nothing out of the ordinary. She said you could store a 4-wheeler inside or other equipment that you don't want to store outside.

Commissioner Gill asked if anything flammable is going to be stored in the containers.

Ms. O'Brien said that they can put it right in the contract that people can't store flammables.

Commissioner Tracy asked if that is something that is in a lease contract. He asked if it is against the Fire Code.

Jason Dool explained to the Board that we would treat these like any other storage building regarding hazardous materials.

Commissioner Tracy asked what the color scheme is going to be for the sign.

Ms. O'Brien said that the sign will be black and orange.

Commissioner Harmon asked if the sign will be lit.

Ms. O'Brien said that it will be on the fence.

Commissioner Harmon asked if they plan on keeping the existing fence.

Ms. O'Brien said yes, they plan on painting the fence.

Commissioner Harmon said that the Board would like to see vegetation control, a frame installed under the containers and the containers all the same color.

Ms. O'Brien said that is fine.

Commissioner Bragg asked if she was ok with them stipulating that they have 8-10 containers.

Ms. O'Brien said that is the number they were thinking.

Commissioner Harmon asked if they are going to use all 170' in the back of the property.

Ms. O'Brien said that the property angles in the back so they can't use all of it.

Commissioner Harmon said that the drawing isn't to scale then, the drawing shows all 170' being used.

Commissioner Harmon asked what a good starting point is for the business.

Ms. O'Brien said 8-10 containers.

Commissioner Harmon said that they can always come back to the Board and ask for more.

Commissioner Roth said they don't want to be restrictive, maybe they should go with a dozen.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to approved the request to install metal storage containers on the property with the following stipulations:

1. There be a maximum 12 containers on the property.
2. The containers all must be the same color.
3. Proper site preparations must be made before the containers are installed.

Seconded by Commissioner Roth.

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

Commissioner Stoll-yes

APPROVED

2. Masonic Temple Assn, 2 Main Street. Request to replace the existing windows with 28 double hung windows situated in a B-2 Zone.

Mr. Mike Seeloff, President of the Masonic Temple was present. (398 Walnut Street, Lockport, NY)

Mr. Seeloff said that they would like to replace the windows on the 2nd and 3rd floors of the building that is located on the corner of Cottage and Main.

Commissioner Roth asked if they are going to alter the opening.

Mr. Seeloff said the windows will be the same size windows but will be vinyl with a lattice grid that will be inside the window so that they look the same and the existing windows.

Commissioner Roth asked if they are downsizing at all.

Mr. Seeloff said no, they don't want to take away the looks of the building, the windows will be white, the same color they are now.

The meeting was opened to the public.

Commissioner Harmon read aloud a letter submitted by Community Development Director Brian Smith that expressed his concern with changing the looks of the building.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to approve the request to replace the existing windows with 28 double hung windows situated in a B-2 Zone as follows:

1. The windows be white in color with a grid installed.
2. The size openings for the windows do not change.

Seconded by Commissioner Stoll.

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

APPROVED

3. Wakid Taher. 39 Locust Street. Request to erect an exterior exhaust chimney on the north side of the building situated in a B-2 Zone.

Mr. Charles Dahlke, Lifetime Designs was present with Mr. Taher.

Mr. Dahlke stated that Mr. Taher has brought his business to the City. He said that he has a successful store and would like to expand his business and serve hot foods. He said that they need to install an exhaust system for the equipment. He said they have to install a fire protection system.

Commissioner Roth said that he has a concern about the location of the exhaust. He asked if there is anywhere else, they can put it beside the front of the building.

Mr. Dahlke said no, because of where the equipment is going to be located and the fact that there are apartments upstairs.

Commissioner Harmon showed the Board and Mr. Dahlke a picture of another exhaust fan located outside Tom's Diner and asked if this is what they plan on installing.

Mr. Dahlke said yes, they would install something similar.

Commissioner Bragg asked if this is going to face Walnut Street.

Mr. Dahlke said yes.

Commissioner Harmon said that the Board is concerned about the view from Walnut Street. He said that they are concerned about the look of it down the road when it is dirty.

Mr. Taher said that they have a cleaning company that comes in every three months and cleans it. He said that they can enclose it with a wood frame.

Mr. Dahlke said that they can build a chase around the fan so that no one can see it.

Commissioner Roth said that if they build a chase will it camouflage it, and match the building.

Mr. Taher said yes.

Commissioner Harmon asked if the chase will be the same color as the building.

Mr. Dahlke said they will match it the best they can.

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 an exterior exhaust chimney on the north side of the building as follows:

1. A chase be built that matches the existing building.

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

APPROVED

4. Christopher Beney, 1149 Lincoln Avenue. Request for exterior upgrades to the building and installation of HVAC and generator situated in a B-1 Zone.

Dr. Beney stated that he would like to install a 3' overhang and install new siding on the building. He said that the building has metal siding now that you can't buy. He said that it has large holes in it. He said that he sided a small section of the building already to see if he could install vinyl over the metal. He said that they figured out that they can by adding furring strips then siding over it to hide the imperfections of the building. He said that the siding will be wheat in color and he is going to paint the brick.

Dr. Beney said that he installed new HVAC. He said that he poured a 10" thick concrete pad and can protect the units with concrete blocks if need me. He said that the he had to install the generator because it is a medical building.

Dr. Beney said that he would like to install six new windows because there is no natural light coming into the building. He said that he has about 40 employees and the inside of the building right now is like a cave. He said that he is going to have a phone room for the staff and would like to give them some light. He said that the windows will be higher and will look nice. He said that he wants to install a window on the west side of the building as well. He said that there will be 5 windows on the north and east sides of the building.

Commissioner Bragg asked if 5 windows are going to be install on the north side of the building.

Dr. Beney said that there will be 5 windows total on the north and east sides of the building and 1 on the west.

Commissioner Harmon said that the pads are already poured, they were done without a permit or approval from the Board.

Dr. Beney said that because of the pandemic it was essential work. He said that he poured the slabs because he needed heat in the building. He said that it was an emergency situation.

Commissioner Roth said that you are just asking permission for something now that you started in April of last year.

Commissioner Harmon said that the Board has met every month virtually or in person. He said that this could have taken care of a while ago.

Dr. Beney said that he didn't know he needed a permit; it is essential work.

Commissioner Harmon said that this is not the first time Dr. Beney has been in front of the Board.

Dr. Beney said that he didn't know.

Commissioner Roth said that the windows are already installed as well without permission.

Dr. Beney said that he was in contact with Clayton Dimmick the entire time.

Jason Dool said that is not true. He said that he was caught working in the building without a permit before he owned the building. He said that the concrete was poured and the HVAC was installed by a contractor that is not licensed with the City. He said this has been a problem project all along. He said that the Building Inspection Department got his variance application from John Ottaviano through the pandemic so there is no excuse.

Dr. Beney said that he didn't own the building yet, he was going back and forth with the Kenyon family.

Commissioner Harmon asked why Dr. Beney used a contractor that is not licensed with the City.

Dr. Beney said that he didn't know.

Commissioner Harmon said that if he did the right thing then he would have known what to do.

Dr. Beney said that he just assumed that he was doing the right thing.

Commissioner Harmon said that he should have contacted Building Inspection before he started so that this was done right. He said that there is not a lot of room on the west side of the building where the HVAC is installed.

Dr. Beney said that he will make sure it is done right.

Commissioner Harmon said that the drawings show that he has approximately 10' to the west property line.

Dr. Beney said that he has a 2' easement.

Commissioner Harmon asked if it is writing.

Dr. Beney said that he can get it. He is pretty sure John Ottaviano has it.

Commissioner Harmon said that because of where the HVAC is located there is no room to put bollards or blocks to protect them.

Dr. Beney said that John Ottaviano told him they have a 2' easement.

Commissioner Harmon said that if Dr. Beney had come before the Board prior to the installation they could have suggested that they be moved. They wouldn't be left wondering what is going to happen.

Dr. Beney said that they have the 2' to install the bollards.

Commissioner Harmon said that what Dr. Beney is proposing to do looks great, he is not questioning that. He said that he doesn't like the look of the HVAC and has concerns about people hitting it.

Dr. Beney said that he will protect it.

Commissioner Harmon questioned how the Board can vote on something without documentation showing a 2' easement for a fence or bollard.

Commissioner Tracy suggested that the Board table the decision.

Commissioner Harmon asked what else the Board would like to see.

Commissioner Bragg said that he would like to see a sample of the siding and a rendering of what the building is going to look like. He said that he needs more information.

Dr. Beney said that he can get the easement.

Commissioner Harmon said that he would like to see bollard or what type of fencing would be used as well as a sample of the siding. He asked what the awning is going to look like.

Commissioner Tracy asked if it is going to a Kohler awning.

Dr. Beney said that it will be an overhang with sliding doors.

Commissioner Tracy said that he would like to see a rendering of what the building is going to look like.

Commissioner Harmon said they are changing the manual doors to sliding.

Commissioner Bragg asked if there is going to be a dumpster on the property.

Dr. Beney said that they are going to install one to the right of the Kenyon's dumpster, it is enclosed.

Commissioner Bragg said that the Board needs to see the legal documents for the easement.

Commissioner Harmon said that the Board needs to see the legal documents, a rendering of the fencing or bollards for the HVAC and a sample of the siding so that the Board can approve everything at once.

There being nothing further Commissioner Tracy made a motion to table the decision. Seconded by Commissioner Bragg.

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

TABLED

5. Franklin Rezarch. 21 Main Street. Request to deviate from the coordinated sign plan for "B & D's Bagels" situated in a B-2 Zone.

Mr. Rezarch stated that he is the owner of B & D's Bagels. He said that he is getting signs made for his shop. He said that he is the space where the old clothing store is. He said that he had to come before the Board because his sign doesn't fit with the plan.

Commissioner Tracy asked when he plans on opening.

Mr. Rezarch said mid-May hopefully.

Commissioner Bragg asked if the sign is going to be lit.

Mr. Rezarch said that there are lights on the building, the sign is metal.

Commissioner Harmon asked what material the sign will be.

Mr. Rezarch said that it will be metal, that same as the sign next to his.

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 deviate from the coordinated sign plan. Seconded by Commissioner Stoll.

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

APPROVED

6. Hydraulic Race Co., Inc. 5 Gooding Street. Request for a special use permit to utilize seasonal banner signs throughout the property situated in an I-2 Zone.

Mr. Tom Callahan was present with Charles Dahlke for Lifetime Design.

Mr. Dahlke stated that Mr. Callahan developed the site where the zip line attraction is located. He said that because of the location it is critical to utilize these flags for advertisement. He said that there is historical value to the site and the area. He said that they are trying to make the property look like more than an abandoned parking lot.

Mr. Dahlke showed the Board an aerial view of the site. He said that nothing stands out about the site and they are trying to bring business to the area.

Mr. Dahlke showed the Board a rendering of the Banners on Gooding Street.

Commissioner Roth asked where the flags will be located.

Mr. Dahlke said on the northeast side of the property. He said that they have installed a winding path to go up to the stair tower for the attraction. He said that they are going to install lighting along the path that has a historical feel and install banner signs along the Gooding St side of the property. He said that they want to install Niagara Zipper flags and three American flags as well. He said that the flags will be put up and taken down daily. He said that the banners will not be up when the business is not open.

Commissioner Roth asked where the other flags will be installed.

Mr. Dahlke said up by the tower, to create a little life to the property.

Commissioner Harmon asked when they plan on moving forward with the rest of the site improvements, the path, lighting and landscaping.

Mr. Callahan said that they starting the landscaping today, they hope to be finished in a week or two.

Commissioner Harmon asked if the banners are temporary or if they plan on using them yearly.

Mr. Dahlke said that they plan on using then yearly.

Commissioner Roth said that everything they plan on doing to the property is attractive except the flag signs. He said that the flags are a step back.

Commissioner Harmon said that the design of the property is awesome, he can't wait to see it with it is finished.

Commissioner Tracy asked if the they plan on doing anything with the storage pods on the property.

Mr. Callahan said that he plans on making them look like the Cave Building.

Jason Dool explained that Mr. Callahan was before this Board in June of 2019 for the site improvements, he is just here for the flag signs.

The meeting was opened to the public.

Alderwomen Allport stated that when people drive by the property now, they do not notice that the ride is there. She said that Mr. Callahan plans on putting the flags up and taking them down daily. She said that Mr. Callahan has her sold on the idea. She said that we need to promote this business and the area. She said that because this property is lower you can't see it.

Alderman Oates stated that the City owns the property next to this one and we don't take care of it. He said that anything we can do to help this business, we should do. He said that we need to attract people to downtown.

Commissioner Harmon read aloud a letter of support sent by Alderman Devine.

The meeting was closed to the public.

There being nothing further Commissioner Tracy made a motion to recommend the Special Use Permit to utilize seasonal banner signs with the following stipulations:

1. The signs be put up and taken down daily.

Seconded by Commissioner Gill.

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

RECOMMENED TO COUNCIL

Commissioner Roth made a motion to approve the minutes from the April 1, 2021 meeting. Seconded by Commissioner Stoll. Ayes-6 Noes-0

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

THE NEXT REGULARLY SCHEDULED MEETING WILL BE JUNE 7, 2021. IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.