

**LOCKPORT PLANNING AND ZONING BOARD**  
**LOCKPORT, NEW YORK**  
**SEPTEMBER 13, 2021**

**PRESENT:** TERRY HARMON, CHAIRMAN, MARSHALL ROTH, DON GILL, ROBERT BRAGG, STACY STOLL, JEFF TRACY, DON STEVENS, 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.

Meeting minutes taken by Jason Dool.

1. Neighborhood Redevelopment, LLC. 263 East Avenue. Request for exterior façade upgrades situated in a B-5 Zone.

Kevin Jordan, owner of 263 East Avenue was present.

Mr. Jordan stated that he would like to change the siding to grey vinyl and add a modern wooden look on about 10% of the front of the building.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Stoll made a motion to approved to request for exterior façade upgrades. Seconded by Commissioner Roth.

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

APPROVED

2. Janet Gould. 71 South Street. Request to demolish the existing dwelling and install a parking area situated in a B-5 Zone.

Ms. Gould stated that the property is 33' x 71'. She said that she would like to use it for parking. She said that she is concerned about employee parking in the winter.

Commissioner Stoll asked how many parking spaces will be in the lot.

Ms. Gould said that there will be up to 8 diagonal spots.

Commissioner Harmon asked if they are going to have to pull in and back out.

Ms. Gould said that she wanted to buy the other house on Locust Street. She said that it is going to be \$15,000 to knock the house down.

Commissioner Harmon asked if she plans on installing lighting in the parking area.

Ms. Gould said yes.

Commissioner Harmon asked if the lighting will be on a timer.

Ms. Gould said that it will be motion activated.

Commissioner Harmon asked if there are drainage concerns.

Ms. Gould said that she thinks that it will drain into the street.

Ms. Gould said that she is going to put either bushes or a fence on the east side of the lot.

Commissioner Harmon said that she needs to include water runoff plans on her permit application.

Commissioner Tracy asked what the Board has done in the past regarding screening.

Jason Dool said either bushes or a 4' fence.

There being nothing further Commissioner Tracy approved the request for the paved area with the following conditions:

1. A natural buffer must be installed on the east side of the paved area
2. Appropriate drainage must be installed.

Seconded by Commissioner Roth.

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



Commissioner Stevens-yes

APPROVED

3. Northeast Site Solutions. 705 Hinman Rd. Request to modernize the existing telecommunication facility for T-Mobile situated in an I-3 Zone.

Mr. Paul Sagristano was present to represent to project.

Mr. Sagristano stated that they are bringing in 5G. He said that they are removing 6 antennas and install 9 antennas. He said that they will also be installing a diesel generator.

Commissioner Tracy said that the plans show the tower at 200'. He asked if the existing tower is the same.

Mr. Sagristano said yes.

Commissioner Harmon asked if the antennas are going to be installed 360 degrees around the tower.

Mr. Sagristano said yes, it will pretty much be triangular shaped.

Commissioner Harmon asked if the generator will make noise.

Mr. Sagristano said yes but there is nothing around the area. He said that it is for emergency use only.

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 modernize the existing facility. Seconded by Commissioner Roth.

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

APPROVED

4. Robert Craft. 205 Washburn Street. Request for a Special Use Permit to utilize the existing building for a roofing business situated in an R-3 Zone.

Mr. Craft said that he would like to change his existing permit.

Commissioner Tracy asked what they would be storing in the building.

Mr. Craft said that they want to store trailers inside. He said that they want to establish a business site.

Commissioner Roth asked if there is going to be material stored outside.

Mr. Craft said no.

Commissioner Tracy asked if they are going to install a dumpster.

Mr. Craft said no.

Commissioner Roth asked what hours they would be operating.

Mr. Craft said 8 am to 5 pm.

There being nothing further Commissioner Stoll made a motion to recommend the Special Use Permit to the Council.

Seconded by Commissioner Gill.

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

#### RECOMMENDED TO COUNCIL

5. HN 330 Properties. 801 Richfield Street. Request to erect two 4,800 s.f. additions to existing buildings and to erect a 5,000 s.f. building with a parking area situated in an I-3 Zone.

Mr. Tim Arlington, Apex Consulting was present to represent the project.

Mr. Arlington said that there are currently two buildings with offices. He said that they would like to add 4,800 s.f. to each existing building. He said that the third building will be 5,000 s.f. plus office space. He said that there will be utilities in the building and they have plenty of parking.

Commissioner Roth asked about the door placement.

Mr. Arlington said that there will be just man doors, no overhead doors. He said that the additions will be the same height and material as the existing.

Commissioner Roth asked if they are just extensions of what they already have.

Mr. Arlington said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to adopt the SEQEA for as submitted. Seconded by Commissioner Gill.

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

#### ADOPTED

Commissioner Tracy made a motion to approve the request to erect two 4,800 s.f. additions to existing buildings and erect a 5,000 s.f. building with a parking area. Seconded by Commissioner Roth.

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

#### APPROVED

6. Lockport Heritage Dist. Corp. Request to install three pedestal style signs on City property situated in B-2 Zones.

Ms. Beckley Burns, 22 Massachusetts Ave was present for Lockport Heritage.

Ms. Burns stated that they would like to install three pedestal signs that they have been working on since 2011. She said that they are trying to inform the public of what they are looking at.



Ms. Burns said that they are trying to get people to walk down and enjoy the scene. She said that one sign will be on the Bridge and two signs will be on Canal Street. She said that it takes seven months to get DOT approval for the sign on the bridge.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to adopt the SEQRA findings. Seconded by Commissioner Stoll.

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

#### ADOPTED

Commissioner Roth made a motion to approve to request to install three pedestal style signs on City property. Seconded by Commissioner Stoll.

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

#### APPROVED

7. Barclay Damon. 112 Chestnut Street. Request to relocate the existing roof top compressor and condenser to ground level situated in a B-5 Zone.

Mr. Ari Goldberg, Barclay Damon and Mr. Brandon Houck, Niagara Produce were present at the meeting.

Mr. Goldberg stated that the building was renovated in 2008. He said that there are 11 units on the roof. He said that they want to relocate the units, move the compressors to the ground and the condensers stay on the roof. He said that Tim from Apex investigated the roof and determined that the compressors are too heavy for the roof. He said that this will improve the noise, it will be 60 decibels to the alley. He said that they are installing sound dampening foam in the cabinets and building a sound dampening cover to go over the units after they are installed.

Commissioner Stoll asked what the sound level will be after the installation.

Mr. Goldberg said that it will be 60 decibels after it is finished, which is normal conversation level.

Commissioner Tracy asked what their current hours of operation are.

Mr. Houck said 7 am to 7 pm.

Commissioner Harmon asked if the units will operate 24/7.

Mr. Houck said that they are variable speed fans to lessen the noise in non-peak times.

Commissioner Tracy asked if one fan ran all the time and then other turned on and off.

Mr. Houck said that in peak heat, all four fans will run. He said that is usually in mid-afternoon. He said that there will be less noise at night and in winter.

Commissioner Tracy asked if 60 decibels are worst case scenario.

Mr. Houck said yes.

Commissioner Roth asked why they stopped short investigating the roof. He asked why they didn't look at other options for strengthening to roof.

Mr. Arlington said that their concern was the existing walls because of the age and material. He said they would have to make significant repairs to strengthen the roof.

Commissioner Roth asked if he was referring to speed tile.

Mr. Arlington said yes.

Mr. Vern Daniel, Owner of Pete's Collision, 49 Washburn Street, stated that he has been taken advantage of for years. He said that they wouldn't even be here if he didn't call the City. He said that Niagara Produce gets deliveries before 7 am all the time. He said that he is concerned for his tenants.

Mr. Daniel said that he thought they needed permission for projects like this before they started.

Mr. Daniel said that he never got a change to bid on the street years ago when the City sold Washburn Street to Niagara Produce.

Commissioner Harmon asked what his concern is with the refrigeration being moved.

Mr. Daniel said the noise issue particularly.



Commissioner Tracy asked if there is going to be any water runoff.

Mr. Houck said that the only water runoff would be from the condensers on the roof.

Mr. Tracy asked Mr. Daniel if would be satisfied if steps were taken to mitigate the noise.

Commissioner Gill showed Mr. Daniel photos of the dampening material.

Commissioner Roth asked if the 60 decibel is worse case with all of the fans were running.

Mr. Goldberg said yes.

Mr. Daniel said he is all for improvements, but do it the right way.

Commissioner Harmon asked Mr. Houck if he was aware of the concerns.

Mr. Houck said no, not with Vern. He said that he is trying to address the problems.

Mr. Goldberg said that communication can be improved.

Mr. Houck said that if that is the case lets air the dirty laundry out.

Commissioner Harmon stopped the conversation from going further.

Commissioner Harmon said that they value everyone's business.

Mr. Houck said that they can do an audio test after the units are fully installed.

Mr. Houck said a trash compactor is about 70 decibels.

Commissioner Tracy asked Mr. Daniel if he had received any complaints from his tenants about noise.

Mr. Daniel said a few.

There being nothing further Commissioner Tracy made a motion to approve to request to relocate the existing roof top compressor and condenser to ground level with the following stipulations:

1. Two types of noise mitigation are installed.
2. A noise level test is completed after installation.
3. The ground mounted units not to exceed 60 decibels.

Seconded by Commissioner Stoll.

Commissioner Roth-no  
Commissioner Harmon- yes



Commissioner Gill-yes  
Commissioner Bragg-yes  
Commissioner Stoll-yes  
Commissioner Tracy-yes  
Commissioner Stevens-yes

APPROVED

Commissioner Stoll made a motion to approve the minutes from the August 2, 2021 meeting. Seconded by Commissioner Roth. Ayes-5 Noes-0

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

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE OCTOBER 4, 2021. IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR [mbrewer@lockportny.gov](mailto:mbrewer@lockportny.gov).**