

**LOCKPORT PLANNING AND ZONING BOARD**  
**LOCKPORT, NEW YORK**  
**OCTOBER 4, 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, ADAM WALTERS, SPECIAL 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. Marc Egleston. 242 Genesee Street. Request to install metal steel soffit and wall panels situated in an R-3 Zone.

Mr. Andrew Rosenberg, co-owner of Prudden and Kandt was present.

Mr. Rosenberg stated that they would like to install the same thing that they did on the Ashley Place side of the property. He said that the soffit is pulling away from the building right now and this will look better.

Commissioner Harmon asked what color the panels will be.

Mr. Rosenberg said that it will be a duplicate of what is on Ashley Place.

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 install metal steel soffit and wall panels. 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

2. The Chapel. 25 Buffalo Street. Request to replace the asphalt shingled roof with a stamped metal shingle situated in a B-2 Zone.

Mr. Richard Bergstrom and Mr. Keith Faracca were present from The Chapel and Doug from the architectural firm were present.

Mr. Bergstrom said that they would like to replace the asphalt shingles with stamped metal shingles.

Commissioner Harmon asked if they had a sample of the shingles.

Mr. Bergstrom said that they couldn't get one from the company.

Commissioner Roth asked what color the shingles are going to be.

Mr. Faracca said that they will be charcoal, and the steeple will remain cooper.

Doug stated that they will be repairing the structural damaged areas.

Commissioner Bragg asked if the color changed from what they originally proposed.

Mr. Faracca said that they look charcoal, but have specks of other color in them.

Commissioner Harmon asked why they want to use this product.

Mr. Faracca said that they want to use this product because of the longevity of the roofing material.

Commissioner Tracy asked how many years the material is good for.

Doug said that it is a 50-year product.

Commissioner Tracy asked what the time line is for getting the work done.

Mr. Faracca said that they would like to get it done before winter. He said that it is weather dependent.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Stoll made a motion to approve the request to replace the asphalt shingled roof with stamped metal shingles. 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. Ann Murphy. 95 Hawley Street. Request to install a parking lot on the vacant lot situated in a B-5 Zone.

Ms. Murphy said that she is the owner of the Shamus. She said that she bought the property a few years ago. She said that the lot is gravel right now and she would like to continue the parking lot that she has at the corner of West Avenue and Hawley Street. She said that she would like to blacktop the lot.

Commissioner Bragg asked if the lot is going to look just like the other one, is it going to be stripped.

Ms. Murphy said yes, the neighbor has a fence on the property now and she plans on continuing the greenery. She said that she is going to put bumpers in.

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 parking lot on the vacant lot. 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

4. Lock City Moose Lodge 617. 125 Jackson Street. Request to erect a 4' high fence to enclose the lot and erect a 60' x 40' pavilion situated in an R-2 Zone.

Mr. Rick Annalora, Mr. Randy Boyle, Mr. Rick Bratt and Mr. Mark Davidson were present from the Moose Lodge.

Mr. Boyle said that they want to fence in the area so that they can extend their liquor license outside for their member to be able to picnic outdoors.

Mr. Boyle said that they Moose Lodge's address is 204 Monroe and they have already applied to have the properties merged.

Commissioner Harmon asked what color the roof on the pavilion is going to be.

Mr. Boyle said that they haven't gotten that far yet, the pavilion won't be put up this year.

Mr. Boyle said that they can make it whatever color the Board wants.

Commissioner Harmon asked if there is going to be any lighting outdoors for the pavilion.

Mr. Boyle said that there are street lights and some lighting on the building now.

Mr. Bratt said that there are also security cameras on the building.

Commissioner Stoll asked what the hours of operation are for the club.

Mr. Bratt that they are open from 11 am to 12 am. He said that they aren't usually open that late though.

Commissioner Tracy asked what material the fence is going to be.

Mr. Boyle said that it will be a galvanized fence with two 6' gates and one 5' gate.

Commissioner Harmon asked if they are going to install any landscaping.

Mr. Annalora said no.

Mr. Davidson said that there are trees on two sides of the property that will block any visual of the fence.

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 for the 4' chain link fence and requested they return for the pavilion when they have more of a detailed plan. 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

5. Head Start Serving Niagara County. 85 No. Adam Street. Request to erect a 10' x 10' storage shed and install a 20' x 20' shade structure in the southwest corner of the playground situated in an R-2 Zone.

Mr. Jacob Brydges was present from Head Start.

Mr. Brydges stated that they didn't know that they needed to come to the Board so they already installed a 20' x 20' shade structure in the playground area green space. He said they would like to also install a 10' x 10' shed to store equipment in. He said that it would have basketballs, bikes etc. in it so they don't have to bring all of the equipment in and out all of the time.

Commissioner Harmon stated that the drawing has two proposed locations for the shed. He asked which one they would prefer.

Mr. Brydges said that they would prefer the primary location identified on the drawing.

Commissioner Harmon asked if the shade structure is already installed.

Mr. Brydges said yes, they were unaware of the fact that they needed permission.

Commissioner Harmon asked what material the shed will be.

Mr. Brydges said that it will be pressure treated lumber. He said that the specs are in the packet they submitted.

Commissioner Tracy asked if electricity is going to be run to the shed.

Mr. Brydges said no, it is just for playground storage.

Commissioner Roth asked if there is going to be lights in the shed.

Mr. Brydges said no, there are lights on the building and street lights around.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Roth made a motion to approve the request to install a 20' x 20' shade structure and a 10' x 10' storage shed to be located in the primary position identified on the plan. 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

6. Niagara Ecovillage, LLC. 503 Park Lane Circle. Request for conceptual site plan approval for Phase 1-A situated in an R-3 Zone.
7. Niagara Ecovillage, LLC. 415 Elmwood Avenue. Request for planned unit development conceptual site plan approval situated in an R-3 Zone.

Mr. Tim Arlington, Apex Consulting, Mr. Dan Seaman, attorney, Mr. Tom Seaman and Ms. Alma Lafferty were present at the meeting.

Mr. Arlington stated that Alma Lafferty owns the property at 503 Park Lane Circle. He said that they are looking for conceptual approval for phase 1-A of the project. He said that there will be two phases to the project on this property A and B. He said that on two acres of the parcel they would like to erect two four-story, 12-unit apartment buildings, a parking lot and a fire roadway. He said that on the remaining acres of the 6 acre parcel they will build phase 1-B. He said that in phase B there will be three-story townhouses but they are only doing the two apartment buildings for phase 1-A.

Mr. Arlington said that they have submitted a preliminary plan for the Board to review. He said that they have also submitted a SEQRA form for both Phase I and Phase II of the project so they could do a comprehensive review of both phases.

Mr. Arlington said that they wanted to get the Board's comments before they begin the engineering process.

Mr. Arlington showed the Board a picture of what the apartment buildings will look like. He stated that they are contemporary and there will be amenities in the buildings.

Mr. Arlington said that Phase II of this project is on a separate parcel. He said that Alma Lafferty owns the 503 Park Lane Circle parcel where phases I-A and I-B will be. He said they are there to focus on Phase I tonight.

Commissioner Harmon explained that this case will not be opened for public comment.

Mr. Adam Walters, Special Counsel to the City of Lockport stated that there are two planning unit development applications that have been submitted to the City. He explained that the goal of this meeting is to understand exactly what the applicant wants to do so that the Board can determine what information they will need to provide the applications. He said that is why there will be no public comment this evening.



Mr. Walters stated that he agrees with submitting one EAF for the project so that there is no segmentation. He said that he is trying to understand the Planned Unit Development applications. He said there is one application for each parcel but the parcels have different ownership. He said that the City Code does not allow for this to happen.

Mr. Walters asked a question about the stormwater management plan. He stated that the plan shows all of the storm water control being done in phase II. He asked what they are going to do in phase I.

Mr. Arlington said their intent is to have independent stormwater management plans for phase I and phase II. He said that phase I-A run-off does not trigger having to file SPDES or SWPP permits because it is less than 1 acre of disturbance, but they will have to do all of that in phase I-B.

Mr. Walters asked Mr. Arlington to take a closer look at this issue.

Mr. Arlington said that he did the preliminary calculations and determined that they are good with phase I-A with stormwater.

Mr. Walters said that the Board will have to take a closer look at that the issue; that it was his understanding that when looking at area of disturbance, you had to consider all phases of the project, and that, if there is intent for more than one acre of disturbance, they need a plan for the entire project.

Mr. Walters said that there are two different applications with two different planned unit developments. He said that they need to determine if it is feasible to do phase I as a planned unit development, is it consistent with the zoning law.

Mr. Seaman said that they are doing phase I as a planned unit development because the grant funding that is being obtained is for mixed use. He said that two of the units in phase I-B will be used for commercial purposes if order to qualify.

Mr. Walters asked what the two commercial units in phase I-B are going to be used for.

Ms. Lafferty said that they will be small offices for an attorney or some sort of professional office.

Mr. Walters explained that the City's Code for PUD is unusual. He said that it allows the Planning Board more overlay powers and not the ability to rezone or to waive prohibited uses. He said that he is looking into it and asked applicant's counsel to do the same.

Mr. Seaman said that he is aware of the situation and the definitions in the ordinance.

Mr. Walters indicated that he would follow-up with Mr. Seaman to discuss the issue further.

Mr. Walters asked Mr. Arlington to run through the building heights for phase I.



Mr. Arlington said that the two apartment buildings will be 49' tall and in phase I-B the townhouses will be three stories that will be approximately 35' tall.

Mr. Walters asked if the townhouses are going to be for sale or rented.

Mr. Seaman said that is still under development. He said that they are looking at either a homeowner's association or condominium situation. He said that he is still working on that. He said that they may be condos that you rent to eventually own.

Mr. Walters confirmed conceptually it will either be a homeowner's association or condos and the units will ultimately be sold.

Mr. Seaman said yes.

Mr. Walters said that if they are being sold it will put a wrinkle in things because of the City's unique definition of a planned unit development. He said that by definition the planned unit development needs to be owned and operated by one entity. He said this is something that the legal teams need to work through.

Mr. Walters questioned the water and sewer utility extensions.

Mr. Arlington said that in 2008 the infrastructure was put in for the proposed Victorian Village project. He said that there is an easement in place already. He said that they are going to connect to those in phase I-A. He said that in the future when the project progresses, they will extend the water and sewer mains to Phase I-B. He said that what is there is enough for the two proposed buildings.

Mr. Walters asked if they will extend it in phase II.

Mr. Arlington said yes, he thinks that the size of the infrastructure is plenty large to handle the development.

Mr. Walters said that he has questions with the density for phase II. He said that they don't have to go through that now but there are density requirements in the zoning code and they will have to show how they are meeting those requirements.

Mr. Walters said that there are retail and community spaces shown in the phase II plans. He asked if there is going to be retail in the apartment buildings in phase I-A.

Ms. Lafferty said they will be four story buildings with a café on the first floor for Ecovillage member use only. She said that there will be also be a fitness center and child care center for residents.

Mr. Walters asked if the childcare center, café and fitness centers are going to be open to the public.



Mr. Lafferty said you have to be an Ecovillage member to use any of them, it will not be opened to the public.

Mr. Walters said that the challenge is getting everything on the applications. He said that there is no mention of the retail or the office space in phase II in the EAF.

Mr. Arlington said that he was not aware of them.

Mr. Walters said that we need to see the entire breakdown so that we can determine what needs to be on the EAF.

Mr. Walters asked if any area variances are going to be required.

Mr. Arlington said no.

Mr. Seaman said that because this is a cluster development, which requires 10 acres of land they believe that they will need an area variance, the parcel is 6.09 acres.

Mr. Walters asked if they have a flood plain management plan.

Mr. Arlington said that if and when the Board is comfortable with the plan for phase I-A they will submit an application to FEMA. He said that they are going to start the process to remove the area from the flood plain. He said in order to do that they will have to get FEMA approval and then Alma will have to get her people to build the area up and compact the soil. He said they would then reapply to FEMA for final approval.

Mr. Walters said that the EAF refers to a report from the Army Corp of Engineers. He asked if they have copies of that report.

Mr. Arlington said yes, they can provide copies of the studies.

Mr. Walters explained that the Board will be sending a letter to the applicant explaining the information needed to complete the application.

Mr. Walters asked if they have done a traffic impact study. He said that looking at the full build out, it appears that they will need a traffic study.

Mr. Walters asked if having the stormwater separate for the entire project is the plan.

Mr. Arlington said yes, it is going to go in phases.

Mr. Walters said that it comes down to the SEQRA components. He said that there are some things that need to be submitted for a final plan, like a traffic study.

Mr. Walters said that he didn't see any dedication of roads mentioned. He asked if they plan on keeping ownership of them.

Mr. Arlington said yes.



Mr. Walters asked if the first floors of the apartment buildings are going to be identical.

Ms. Lafferty said yes, the layout will be the same but one will have the fitness center and one will have the daycare center.

Commissioner Roth asked what the easement on the drawings is.

Mr. Arlington said there is where the current water and sewer mains are that were installed in 2008.

Commissioner Tracy said that with phase I the traffic will be increased on Park Lane Circle. He asked if there will also be access from Tudor Lane when the project is complete.

Mr. Arlington said yes, there will be access from both roads.

Commissioner Harmon asked what the construction time line is for the project.

Ms. Lafferty said that they would like to get the two apartment buildings up in the spring. She said that the faster they get them up the faster they can get the rest of the project done.

Mr. Walters said that he will work on drafting a letter with the issues that need to be resolved and additional information that will need to be supplied before the applications can be deemed complete.

Commissioner Stoll made a motion to approve the minutes from the September 13, 2021 meeting. Seconded by Commissioner Roth. Ayes-7 Noes-0

Commissioner Stoll made a motion to adjourn the meeting. Seconded by Commissioner Bragg. Ayes- 7 Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE NOVEMBER 1, 2021. IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR [mbrewer@lockportny.gov](mailto:mbrewer@lockportny.gov).**