

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
NOVEMBER 18, 2021

PRESENT: JEFF TRACY, CHAIRMAN, MARSHALL ROTH, DON GILL, ROBERT BRAGG, DON STEVENS, 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. Zimmie's Tire. 7 Niagara Street. Request to blacktop the stone area on the north side of the property situated in a B-2 Zone.

Mr. Tim Mulvey, Mulvey Construction, Mr. Erik Zimmerman and Mr. Doug Zimmerman were present at the meeting.

Mr. Mulvey stated that he was the contractor who did all of the work at Zimmie's. He said that this is the last part of the project and then they will be finished. He said that there is no DI in the parking lot. He said that currently the water goes to the street and the neighboring property. He said that there is no way to tie into the storm in the street because it is a combine storm/sanitary sewer and the City won't allow it. He said that they would like to shed the water the same way it has been for years. He said that there was a shed on the property that they took down. He said that they have cleaned up the property.

Commissioner Bragg asked how long ago they removed the garage from the property and how long there has been stone in that area.

Mr. Mulvey said that they took the building down four or five years ago. He said that area has always been stone.

Commissioner Bragg said that the stone allows for some of the water to be absorbed.

Mr. Mulvey said that the stone is packed down tight. He said that the parking area is pitched toward the back of the property. He said that there is a small green area in the rear before the curb.

Commissioner Bragg asked if the water goes to the green area or somewhere else.

Mr. Mulvey said that it can go toward the green area.

Commissioner Bragg asked where they are proposing to shed the water.

Mr. Mulvey said that they can bring it along the curb to the green area.

Commissioner Bragg asked if they can install pipe in the green area to catch the run off.

Mr. Mulvey said that there is a DI in the parking lot. He said that he can cut the curb by the trash corral.

Mr. Mulvey said that there is a 24" swale that flows that way. He said that there is curbing there.

Commissioner Roth asked if they are going to pipe the water directly to the City line.

Commissioner Bragg said that was what he was getting at.

Mr. Mulvey said that that the water can fall over the curb and to there anyway. He said that it is only 15'.

Commissioner Roth said that he would like to see it get piped to the receiver.

Mr. Mulvey said that he doesn't think he can get pipe in there. He said that they would have to go across the property next door and onto City property. He said that the water has shed that way for a long time. He said that he doesn't have the answers.

Commissioner Bragg said that the solution is to install the pipe instead of dumping water on the neighboring property.

Mr. Mulvey said that he can just cut the curb 3" and let the water fall off.

Commissioner Bragg asked what the surface area is of the parking lot.

Mr. Mulvey said that it is 60' x 80'.

Commissioner Bragg said that they need to find a way to get the water to the DI. He said that blacktop isn't the same as stone.

Commissioner Roth said that he would like to see the water get controlled.

Mr. Mulvey said that they can just cut the curb and let the water fall off the back. He said that there is nothing back there. He said that their trash corral is back there.

Commissioner Bragg asked if they could expand the green area to take the water. He said that the blacktop is going to force the water into the neighboring property.

Mr. Mulvey said that they can cut the curb and try to direct the water to the DI.

Commissioner Bragg said that they need to find a way to control the flow. He asked Jason Dool if he thought cutting the curb and adding a swale would work.

Jason Dool explained that this Board doesn't have the ability to allow someone to cut a City curb.

Deputy Corporation Counsel McGrath said that the Council would have to grant them permission.

Mr. Mulvey said that they can try to build the parking lot up so that the water flows over the curb.

Mr. Erik Zimmerman said that he doesn't know if they can do that because there is a door there.

Mr. Doug Zimmerman said that they could raise it up to flow over the curb.

Mr. Mulvey asked if he needs to get permission to tie into the receiver.

Mr. Dool said yes, it is the same as the street.

Mr. Mulvey asked who he needs to speak with.

Mr. Dool told him to contact the Engineering Department. He said that they will need to see if the parking lot has an SBL number, if it does then an easement may need to be put in place.

Mr. Mulvey said that they can put a receiver in the back corner of the lot and tie into the City line.

Commissioner Roth said that is the best way to do it.

Mr. Mulvey said that they are trying to get this done. He asked how they get the easement.

Mr. Dool said worst case scenario is that if the City parking lot has an SBL number then an easement needs to be drawn that they are responsible for the maintenance of the line.

Doug Zimmerman said that because of the contamination they can't dig down farther than 18" without DEC approval.

Mr. Mulvey said that the water can shed across the parking lot naturally. He said that they had to deal with the DEC while building the addition.

Commissioner Bragg said that this can be done within 18".

Mr. Mulvey said that they can build the blacktop up and let the water fall over the curb.

Commissioner Bragg said that they need to make an effort to control the water.

Commissioner Tracy said that they have seen some plans with green water control plans.

Commissioner Bragg said that they are creating more surface area with the blacktop. He said that they should have had an engineer look at this. He said that he knows they are up against the blacktop plant right now.

Commissioner Roth stated that the Board doesn't have the authority to allow you to cut the City curb.

Mr. Zimmerman said that he wants to blacktop the parking lot. He said that he has trouble plowing the stone area. He said that he is trying to enhance his property. He asked what the Board wants him to do.

Commissioner Bragg said that putting a receiver in the parking lot and tying into the City storm will fix the water issue. He asked where they plow the snow now.

Doug Zimmerman said that they push the snow to the back of the property.

Erik Zimmerman said that they push it to the east as well.

Commissioner Bragg said that the new pavement is going to cause more water to travel to the lowest point.

Mr. Mulvey said that they can install a DI and tie into the existing City receiver.

Deputy Corporation Counsel McGrath said that they will have to approve the easement.

Mr. Mulvey asked who will have to approve the easement.

Deputy Corporation Counsel McGrath said that Mr. Zimmerman's attorney would draft the easement and Corporation Counsel would approve it.

Mr. Mulvey asked when the next meeting is.

Deputy Corporation Counsel McGrath said that the next Council meeting is December 1st.

Doug Zimmerman said that they are trying to get this done before winter.

Jason Dool said that they don't need to have the connection done right away. He said they can install the DI and blacktop the parking lot first while working on the easement. He said that they could do the connection later.

Doug Zimmerman said that he is ok with that.

Jason Dool asked what the elevation change is now.

Mr. Mulvey said that he has to figure that out.

Jason Dool said that their property is higher already, they may not need to dig down past 18".

Mr. Mulvey said that he will figure out the elevation change. He said that they can look into going through the church's property.

Jason Dool said that the Board just wants the lot tied into the sewer, it doesn't matter who they create an easement with.

Mr. Mulvey said that they will install a receiver in the parking lot now and tie it in later.

The meeting was opened to the public.

Alderman Joe Oates said that Zimmie doesn't have a lot of options. He said that Zimmie has done a great job cleaning up the property.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to approve the request to blacktop the existing stone area on the north side of the building with the condition that a receiver be installed on the rear of the lot connecting to the City storm within six months of approval.

Seconded by Commissioner Bragg.

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

APPROVED

2. Martin Brother Roofing. 31 Exchange Street. Request to install a metal roof on the existing building situated in an I-2 Zone.

Mr. Gabe Szell, owner of the property was present.

Mr. Szell stated that he is the owner of the property and he has a land contract with Mr. Ellis to purchase the property. He said that he sold the business about a year and a half ago. He said that they are looking to change the roofing material.

Commissioner Bragg asked if they are changing the pitch of the roof and what color the roof will be.

Mr. Ellis said that they will not be changing the pitch and the roof will be brown.

Mr. Szell said that the building is tan.

The meeting was opened to the public.

The meet was closed to the public.

There being nothing further Commissioner Roth made a motion to approve the request to install a metal roof on the existing building. Seconded by Commissioner Bragg.

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

APPROVED

Commissioner Roth made a motion to approve the minutes from the November 1, 2021 meeting. Seconded by Commissioner Stevens. Ayes-5 Noes-0

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

THE NEXT REGULARLY SCHEDULED MEETING WILL BE DECEMBER 6, 2021. IF YOU CANNOT ATTEND PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.