

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
SEPTEMBER, 12 2022

PRESENT: JEFF TRACY, CHAIRMAN, MARSHALL ROTH, DON GILL, DON STEVENS, JASON DOOL, CHIEF BUILDING INSPECTOR, PAT MCGRATH, DEPUTY CORPORATION COUNSEL

ABSENT: STACY STOLL, DEBBIE ALLPORT

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.

Commissioner Tracy stated he would like to start off acknowledging the recent passing of Charlene Seekins-Smith who was a long-time member of the City of Lockport Planning Board, a dedicated civil servant who dedicated herself to the City of Lockport for many years and an awesome member of this committee and Lockport will miss her presence.

1. Ms. Katherine Fogle. 411 West Avenue. Request to install a vinyl siding on a building situated on a B-3 Zone

Ms. Fogle stated she lives on Nicholls St but this is for her business on West Ave. She stated she received a Niagara County Façade Grant to switch the siding of her business from red to peppercorn that will not show all the dirt coming from West Ave.

The meeting was opened to the public.

The meeting was closed to the public.

Commissioner Tracy asked if the material was vinyl.

Ms. Fogle said yes.

There being nothing further Commissioner Roth made a motion to approve the request to install new siding on a building situated in a B-3 Zone. Seconded by Commissioner Stevens.

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

APPROVED

2. 385 Mill St LLC. 385 Mill St. Request to install an 8ft high chain link fence on the property situated on a I-3 zone.

Mr. Uriy Kirilchuk, 385 Mill St, Lockport, New York.

Mr. Kirilchuk stated that it is an industrial zone that used to be Dave Spencer's Auto Parts. He stated he wants to put up a 140 ft of fencing with two gates 8 ft high.

Commissioner Tracy asked if there were any questions from the planning board.

Commissioner Gill asked what was going in there.

Mr. Kirilchuk said he was going to keep running it as an automotive place and wants some privacy so nobody can see in there. He stated he has had issues with people trying to come dump stuff there and is trying to prevent it from happening.

Commissioner Tracy asked if the chain link was going to be open or if there was going to have screening on it.

Mr. Kirilchuk said he was going to put green or black screening on it.

Commissioner Tracy asked if there were anymore questions from the planning board.

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 erect an 8ft high chain link fence on the property situated on a I-3 zone. Seconded by Commissioner Stevens.

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

APPROVED

3. Belinda and Christopher Ragland. 78 Continental Dr. Lockport, New York were present at the meeting. Request a home occupation to utilize a portion of the dwelling as a personal training facility situated in a R-1 zone.

Ms. Ragland stated she has been a personal trainer for about 4 years and would like the train clients in her home one on one and that it's all word of mouth not advertised for strangers coming into her home. There will be one or two people at a time so traffic would not be a problem, only one of two cars. Ms. Ragland stated that it is a small space in her house about 170 sq ft.

Mr. Ragland stated that the plan is to start the business at home.

Deputy Corporation Council, Pat McGrath asked Mr. Ragland to introduce himself.

Chris Ragland, 78 Continental Dr, Lockport, New York.

Mr. Ragland said they do not have the client base to have a store front property to provide personal training one on one yet. He stated there hours would be 7:00am to 6:00pm appointments only with no signage.

Ms. Ragland stated she also personal trains at Snap Fitness in Wrights Corners, New York.

Commissioner Tracy asked if there were any questions from the Planning Board.

Commissioner Roth asked where her client base is now and how many hours is she operating currently.

Ms. Ragland said she has about two or three clients a day that are just friends of hers and that at snap fitness she has around seven clients a week but they are not people she would bring into her home.

Commissioner Tracy asked how long the training sessions are.

Ms. Ragland stated thirty minutes to an hour.

Commissioner Tracy asked Ms. Ragland was certified and if it included first aid, CPR and AED certified.

Mr. Ragland said yes, she is and has been for four years and her husband, Chris Ragland was just recently certified.

Commissioner Tracy stated on her application that her she named her business "Training and Fitness LLC" and asked if she has licensed her business and has a tax ID number.

Ms. Ragland said yes, she has tax ID number they are in the process of it and eventually wanting to move her business elsewhere when she has more clients.

Deputy Corporation Council, Pat McGrath asked Ms. Ragland if she had the safety equipment at her house for CPR and AED.

Ms. Ragland stated she has the CPR mask but not the AED machine.

Commissioner Tracy asked if the Planning board has any more questions.

The meeting was open to the public.

Dianne Mckee, 69 Continental Dr, Lockport, New York.

Ms. Mckee asked if this was approved if it would change the zoning from residential.

Commissioner Tracy said no, this would be a special use permit so it would have to be re approved every year and asked Chief Building Inspector, Jason Dool, if this was correct.

Chief Building Inspector Jason Dool stated this was not correct, this was just a home occupation, it will not change the zoning and is renewable on an annual basis.

Mr. Dool explained that the applicant applying for the home occupation were to move out, it would not be transferable and that the business shall be owned and operated by the resident only.

Commissioner Tracy read aloud a letter from Lynda Nero located at 105 Continental Dr, Lockport, New York not agreeing with the home occupation.

Ms. Ragland responding to part of the letter that was concerning parking, stated most of her clients know each other and either carpool together, park in the two empty spaces in her driveway or directly in front of her house.

Commissioner Tracy asked Chief Building Inspector, Jason Dool if the neighbors received a letter regarding the home occupation.

Mr. Dool responded yes, in this case building inspection sends notices out like variance cases.

Commissioner Tracy asked if he could explain what the letter stated.

Mr. Dool stated that the letter entails that they are applying for a home occupation and what it was being used for.

Ms. Ragland said she had multiple neighbors come over and asked about the traffic that would be coming through there and when she explained the situation to them, they were all on board with it.

Mr. Ragland stated that he takes care of the snow removal and will make sure there will always be enough room for two cars in the driveway since the snow causes the street to become very narrow.

Commissioner Tracy asked if she could explain the training she would be doing outside.

Ms. Ragland said if the weather in nice, she will bring out kettle balls, battle ropes, weights and would not be disruptive to her neighbors.

Alderman Katherine Fogle asked if she could interrupt and stated there were not more neighbors at the meeting because they all approve of this home occupation, that if they say there won't be a lot of cars then there wont be, because they are honest people who don't mess around.

Commissioner Tracy asked if there were any more comments.

Dianne Mckee, 69 Continental Dr, Lockport, New York stated that she spoke to her neighbors about this and they were just concerned about the possible changing in the zoning and if that this would be permanent and stay with the building and that this was the concern over the parking or any disruption.

Commissioner Gill asked what kind of fencing is around the home.

Mr. Ragland stated that it is a completely enclosed 6ft high fence.

Commissioner Gill asked if it was a stockade fence.

Mr. Ragland answered yes.

Commissioner Tracy asked if there were any more questions.

Chief Building Inspector, Jason Dool asked where in the home she would be training.

Mr. Ragland stated that there was an additional living room put on the home in 1996 and that they use for their living space now and would be using the original living room for training uses.

Mr. Dool asked if it was on the first floor.

Ms. Ragland answered yes, that there was a bathroom and exit doors close by.

Mr. Dool said that was all he needed to know.

Commissioner Tracey asked if there were any more questions or comments.

The meeting was closed to the public.

Commissioner Gill made a motion to approve Belinda Ragland and 78 Continental Drive the request to use a portion of the dwelling as a personal training facility situated in an R1 zone.

Commissioner Tracey stated he thinks it should be specified the number of clients and hours of operation.

Commissioner Gill asked what the hours of operations were, and how many clients.

Commissioner Gill also stated there would be only parking in the driveway and no signage would be allowed.

Ms. Ragland said the earliest would be 6:30am and the latest would be 7:00pm, there would be no signage, just word of mouth and only two clients at a time. Ms. Ragland also agreed to parking only in the driveway.

There being nothing further Commissioner Tracy announced that there was a motion to approve Belinda Ragland and 78 Continental Drive the request to use a portion of the dwelling as a personal training facility situated in an R1 zone. Seconded by Commissioner Stevens.

Commissioner Gill-yes
Commissioner Roth-no
Commissioner Stevens-yes
Commissioner Tracy-yes

Deputy Corporation Council, Pat McGrath stated that there was a quorum that this is a board of seven there would have to be a unanimous vote and we don't have that.

Commissioner Tracy asked Mr. Dool if there is a next step they could take.

Mr. Dool said there wasn't anything that the City of Lockport could do.

Mr. Ragland asked Commissioner Roth why he voted no.

Commissioner Roth stated that he has concerns with changing the character within the neighborhood.

Mr. Ragland said their dream is to just get started at their home and to eventually open their own business in the City of Lockport and does not want to change the character of the neighborhood.

Commissioner Roth said he understood, he owned his own business, his wife owns her own business and had the same problems, but he rented space to operate those businesses and not out of their home.

Ms. Ragland stated she's never been through this process before and her neighbors next to her are on board with everything.

Ms. Fogle stated this was Ms. Ragland's dream and her career and that when she opened her own business there were people giving her breaks.

Commissioner Tracy stated that this was not approved and recommended Mr. and Ms. Ragland to reach out to building inspection.

NOT APPROVED.

4. Angela Blackley, 402 West Ave, Lockport, New York. Request to replace existing stone parking lot with concrete parking situated in a B-1 zone.

Ms. Blackley handed out photos of the flooding of her parking lot to the Commissioners and Deputy, Pat McGrath.

Ms. Blackley stated she has had ongoing problems since she purchased the property twenty-two years ago, with a flood issue in the lot and in the basement. Niagara County, City of Lockport and the State of New York have all been notified of this issue. The only thing everyone could come up with is putting down stone. With the amount of rain and snow that we have been getting, there is a handicap ramp in behind the building where the parking is located. When the parking lot floods it goes as deep as five or six inches high and it turns into an ice rink which is unsafe for anyone trying walk with walkers or wheelchairs to use the ramp.

Ms. Blackley said Niagara County granted her \$18,000 in grant money to try to get this resolved. Ms. Blackley would like to hire master plumber, Kent Macfarlane to do the plumbing work. She said he would also help manage with the concrete company so they can work together so the building and parking lot will no longer flood.

Ms. Blackley stated that not only does it flood in her parking lot, that it floods half of the block behind her.

Ms. Blackley said the assessors tried to raise her assessment this year and she denied it. New York State had called her and asked why they did not raise her assessment and she said they agreed with her, nobody should pay more than \$50,000 for a building with a flooding problem even with the apartment above the store.

Ms. Blackley said she went to the board with this ten to twelve years ago with the same thing, she was told to have a parking lot put in but to pitch it towards the street. Ms. Blackley said she's not a contractor but knows that's not correct.

Commissioner Tracy asked the board members if they had any questions.

Commissioner Roth asked she would be collecting the water and draining it and where the water would be going.

Ms. Blackley stated that plumber, Kent Macfarlane wrote it on her proposal.

Commissioner Roth asked if she would be collecting all the water and having it go through her pipes.

Ms. Blackley stated that her property is 5 inches lower than Franks Deli, the property located next to her at 414 West Ave, Lockport, New York and they have no drainage so all the water runs onto her property.

Commissioner Roth asked if she understands that the water can't run into someone else's property and not onto the street and if her intention is to collect her own water.

Ms. Blackley answered yes.

Commissioner Tracy read the estimate from plumber, Ken Macfarlane.

Commissioner Tracy asked Mr. Dool if they needed drawings.

Mr. Dool stated that usually the engineering department will review a professional drawing and would have to find out if the City Engineer, Steve Pump would approve.

Commissioner Roth suggested to approve provisionary as long as Mr. Pump agrees with the drainage.

Mr. Dool said he would be okay with that so that engineering would have an opportunity to review, if Mr. Pump agrees then good to go, if he disapproves then we would have to come back with another option.

Commissioner Tracy asked Mr. Dool if he would prefer them to table it for a month.

Mr. Dool said he was okay with approving with as long as Mr. Pump is okay with it.

Ms. Blackley said she would have a problem with them tabling the project for a month because the weather will interfere with the project and she only gets a year to use the grant money.

Commissioner Tracy asked the planning board if they have any more questions.

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 Angela Blackley request to replace existing stone parking lot with concrete parking as per the outline provided with drainage and the provision that Ms. Blackley meets with engineering to make sure they approve of the drainage.

Deputy Corporation Council, Pat McGrath asked Commissioner Roth if that would be contingent then on the approval

Commissioner Roth and Tracy said yes.

Seconded by Commissioner Stevens.

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

APPROVED

175 Walnut LLC. Anthony Trusso. 82 Main St. Request to install a 8' x 10' storage shed in the parking lot from November 1st to April 1st situated in a B-2 Zone.

Mr. Trusso stated he is looking to install a temporary shed to store snow removal equipment, salt, snow blower and a few shovels. He will be keeping it there for just the winter and ordering it from Sturdi Sheds.

Commissioner Tracy asked if there were any questions from the Planning Board.

Commissioner Gill asked if there was going to be any power hooked up to the shed.

Mr. Trusso said no.

Commissioner Tracy asked if gas will be stored in the shed.

Mr. Trusso said he can store gas separately but there will be gas in the snow blower.

Commissioner Tracy asked Mr. Dool if storing gas cans would be a concern.

Mr. Dool stated as long as the shed is 5ft from any other structure then it wouldn't be a problem.

Commissioner Roth asked where the shed would be located.

Mr. Trusso said he does not have an exact location for it at the time, but if the board has a specific location, then he would keep it there he would just like it out of the way.

The meeting was open to the public.

Mr. Dool said they would treat this like a temporary swimming pool, we would issue one permit where you could put it up and take it down as long as nothing changes.

There being nothing further Commissioner Roth made a motion to approve the request to install a 8' x 10' storage shed in the parking lot from November 1st to April 1st situated in a B-2 Zone. Seconded by Commissioner Gill.

Commissioner Gill-yes

Commissioner Roth-yes

Commissioner Stevens-yes

Commissioner Tracy-yes

APPROVED

Holly Edwards. 4 Market Street. Request for a special use permit to utilize a portion of Lock City Books to house rescue cats from local non-profit organizations situated in a B-2 Zone.

Commissioner Tracy read approval letter from owner of 4 Market Street, Matthew Martin.

Ms. Edwards stated in November 2021 Lock City Books launched their program where they would bring in adoptable cats where children were encouraged to read to them to help with mental health, and have more confidence reading and help cats interact with people. There are two kennels that are 4ft tall that hold one large cat, or one adult cat or two kittens each. All the cats that are brought in are vaccinated and have seen a veterinarian. The program has been successful through August 2022 and has brought a lot of joy from the community and has had 16 adoptions from it.

Ms. Edwards said they have raised money all summer to have an enclosed cat visitation room. She was notified when she submitted the plans that a B-2 zone did not allow animals at their store. She did receive permission to build the room but is currently unoccupied. The room has a window and a door and has an existing heating and cooling vent in the room. The room allowed children to sit with the cats and have interactions. When the store is closed the cats will be returned to there kennels.

Ms. Edwards stated she does have approval from the building and neighbors do support this.

Commissioner Tracy asked the Planning Board if they have any questions.

Commissioner Roth asked how many cats would be in there at a time.

Ms. Edwards stated there would be one adult cat or two kitten in one kennel.

Commissioner Roth asked if they stayed overnight.

Ms. Edwards said yes, and someone is there everyday to take care of them.

Commissioner Tracy asked if the cats were all vaccinated coming into the store.

Ms. Edwards said yes, the rescues do all the medical paperwork, spayed or neutered if they are old enough, and vaccinated.

Commissioner Tracy asked if the store holds documentation.

Ms. Edwards stated she does, all the adoptions go through a non-profit organization where Ms. Edwards sends in the applications and the non-profit will do all the interviews, and collects adoption fees. The book store purchases the food and cat litter, treats, kennels and transports the animals and all the money goes towards the rescues. The meeting is open to the public.

Ms. Blackley. 402 West Avenue. Lockport, New York commented that she has been in the store, it is very well taken care of and it is great for the children to interact with the animals and the animals to be able to be socialized.

Commissioner Gill asked if there should be a limit on the number of cats.

Commissioner Tracy asked Ms. Edwards what her maximum capacity would.

Ms. Edwards stated she would keep it the same, two kittens in each kennel or one adult cat, so the maximum would be four.

There being nothing further Commissioner Roth made a motion to approve the request for a special use permit to utilize a portion of Lock City Books to house rescue cats from local non-profit organizations situated in a B-2 Zone. Seconded by Gill.

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

Ms. Edwards asked if there they held adoption events, would there be allowed more cats in the store during the event. The event would include the organizations to bring in the cats, set up their own tables, have six volunteers from the group to supervise.

Commissioner Roth asked how many cats this would include.

Ms. Edwards said there were eight in the last event in table top kennels.

Deputy Corporation Council, Pat McGrath suggested to amend those limitation for only having four cats overnight but during special events up to eight cats only during business hours.

Commissioner Roth stated they would do another vote on the amendment.

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

APPROVED

Commissioner Roth made a motion to approve the minutes from the August 1, 2022 meeting. Seconded Stevens. Ayes-4 Noes-0

THE NEXT REGULARLY SCHEDULED MEETING WILL BE OCTOBER 3, 2022. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.