

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
SEPTEMBER 11, 2023

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

EXCUSED: DON STEVENS

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.

Chairman Jeff Tracy requested a moment of silence in remembrance of September 11th.

1. Spalding Hardware. 215 Davison Rd. Request for site plan approval for a 3,146 square foot addition to the rear of the building situated in a B-1 zone.

Mr. Tim Arlington, Apex Consulting was present with Dan Bragg, store manager and Kitty Ulrich, store owner.

Mr. Arlington stated that they are applying to build a 3,146 square foot addition. He said the existing home next to the store is owned by Spalding Hardware will be removed. He said that the previous loading dock will be replaced with a new one. He said that currently the dock is on Walnut Street and it will be moved to Davison Rd.

Mr. Arlington said that they have received Niagara County Planning Board approval for this project as well as three variances from the Zoning Board of Appeals. He said that they received a variance for the parking, they need 61 spaces and have 38. He said that they have had the same amount of parking since 1996 and is has been sufficient.

Mr. Arlington said that they received a variance to exceed the lot coverage, increasing it to 35%. He said that Jason Dool discovered that they needed variance for the rear yard setback because they are removing the house, they needed a 30' setback and the addition will be 17'.

Mr. Arlington said that they are going to be adding retail space. He said that they will be rearranging the interior of the store. He said that the roof drains to the west and they already have gutter lines that drain into a receiver. He said that the neighbors will not be impacted by any water. He said that they have spoken to the neighbor at 785 Walnut Street and they are going to change the fence to vinyl and the fence will be cut back at the front of the building for line-of-sight reasons. He said that they amended that to appease the neighbors.

Mr. Arlington said that the addition really won't be very visible.

Commissioner Roth asked if there will be any change in the lighting.

Mr. Arlington said no.

Commissioner Tracy asked where they are going to take deliveries.

Mr. Bragg said that right now they back into the loading dock on Walnut Street and they have had issues with the neighbor. He said that they have talked to the neighbor and they are going to eliminate the truck traffic on Walnut Street. He said that they are going to move the white fence on the Davison Rd side back toward the store and have the trucks back into that area.

Mr. Arlington said that it is difficult now because of the length of the loading dock, this should make it easier.

Commissioner Bragg asked what they are going to do with the old loading dock.

Mr. Bragg said that they don't have plans for that. He said that they will be using the new loading dock and outdoor entrance. He said that there is no elevation change so they will be hand loading everything.

Commissioner Bragg asked if there is going to be any outdoor storage.

Mr. Bragg said no.

Commissioner Allport asked if the existing driveway for the house is staying.

Mr. Arlington said yes, but it won't be used for anything.

Commissioner Roth asked what they are going to use the driveway for.

Mr. Arlington said they have no plan.

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 for site plan approval to erect a 3,146 square foot addition. Seconded by Commissioner Roth.

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

APPROVED

2. Go Net Speed. 524 Walnut Street. Request to install a concrete pad for a fiber cabinet and a 20KW generator situated in an R-1 Zone.

Mr. Steve Reynolds from Go Net Speed was present.

Mr. Reynolds stated that they are going to clear a 25' area to build a 10' x 15' pad that will be 6" thick concrete to house a fiber cabinet. He said that the cabinet will be 6' tall and the generator will be 2' x 4'. He said that this site is designed to service about 3,000 people with fiber. He said that it will take about one week to complete the project.

Commissioner Roth asked if the generator is for emergency power.

Mr. Reynolds said yes, if there was a power loss the generator would ensure that the connection is not lost.

Commissioner Allport asked how tall the cabinet is.

Mr. Reynolds said that it is 2' x 3' x 6'.

Commissioner Roth asked about the noise from the site.

Mr. Reynolds said that there will no noise unless the generator is running. He said that it is tested once a week, usually on Wednesday for about 20 minutes.

Commissioner Tracy asked what the noise level is comparable to.

Mr. Reynold said a car engine.

Commissioner Allport asked if it comparable to a Generac generator. She asked how often it is tested.

Mr. Reynolds said yes, once a week.

Commissioner Allport said that they are the same then.

Mr. Reynolds said yes.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Allport made a motion to approve the request to install a concrete pad for a fiber cabinet and a 20 KW generator. Seconded by Commissioner Stoll.

Commissioner Tracy-yes

Commissioner Roth-yes
Commissioner Stoll-yes
Commissioner Bragg-yes
Commissioner Gill-yes
Commissioner Allport-yes

APPROVED

3. Go Net Speed. 320 Michigan Street. Request to install a concrete pad for a fiber cabinet and a 20 KW generator situated in an R-2 Zone.

Mr. Steve Reynolds, Go Net Speed was present.

Commissioner Tracy asked if there is anything different from the other site.

Mr. Reynolds said no.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Allport made a motion to approve the request to install a concrete pad for a fiber cabinet and a 20 KW generator. Seconded by Commissioner Stoll.

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

APPROVED

4. Catholic Health Systems. 327 Summit Street. Request to install a private access road situated in an R-1 Zone.

Ms. Lindsey Haubenreich, Phillip Lytle, PLLC was present with David Vitta, Catholic Health and Joe Hanss, PLC, Engineering.

Ms. Haubenreich stated that currently Catholic Health is building a new hospital that is located mainly in the Town of Lockport. She stated that they have an approximately 97-acre parcel with a small portion located in the city. She stated that in 2021 Catholic Health received site plan approval from the Town of Lockport at same time SEQR approval. She said that they also got approval from the NY DOT.

Ms. Haubenreich stated that the connection of the road to the bypass is critical for ambulance arrival times. She said that at one time the DOT didn't think it was viable to

install the access road so they moved forward with the site plan without the road. She said that eventually they found a viable option for access on the bypass with the DOT. She said that the DOT will allow the road for emergency vehicles only.

Ms. Haubenreich said that at that time they went back to the Town of Lockport to amend their site plan and also to the Niagara County Planning Board for their approval. She said that they also amended their SEQR.

Ms. Haubenreich said that there is a small section of the access road that is in the City's jurisdiction. She said that they just received a use permit from the DOT and are waiting on approval for their highway work permit. She said that permit is dependent upon the City's approval.

Mr. Hanss said that the road will be 20' wide and about 300' of it will be in the city. He said that there will be three lights on the city portion of the road as well as an entrance gate. He said that the gate will be motorized, the emergency vehicles will have stickers to raise the gate. He said there will also be a monitor in case the gate has to be manually lifted from inside the hospital. He said that there will be a turn around at the entrance so if people accidentally pull into the driveway they can turn around.

Commissioner Bragg asked about the lighting being installed.

Mr. Hanss said that there will be three in the city portion of the driveway.

Commissioner Roth asked if there is going to be any signage.

Ms. Haubenreich said that there will be signage stating that the road is for emergency vehicles only.

Commissioner Bragg asked if the road is going to be one-way or two-way.

Mr. Vitta said one-way.

Ms. Haubenreich said it will be two-way because of the emergency vehicles traveling to other hospitals.

Commissioner Allport asked if there is going to be a gate at the Ruhlmann Road entrance.

Ms. Haubenreich said no.

Ms. Allport said that in the minutes from the Niagara County Planning Board it states there is going to be a gate at Ruhlmann Rd.

Mr. Hanss said that entrance will be used mainly for deliveries going to the loading docks. He said you can get to the main entrance of the hospital from there.

Mr. Hanss said that they needed two ways to get to the hospital but the main entrance will be the Shimer Dr. entrance.

Commissioner Allport asked if the Niagara County Planning Board minutes are wrong.

Ms. Haubenreich asked what meeting minutes had that information in them.

Commissioner Allport said that they were in the last meeting minutes.

Ms. Haubenreich said that they were before the NCPB in 2021 for approval and also in 2023 from the amendments and the gated access road off the bypass.

Commissioner Allport asked if the hospital is going to be responsible for snow removal on the newly created roads.

Ms. Haubenreich said that at the Town's request, a small portion of roadway will be dedicated back to the Town.

Mr. Hanss said that the Shimer Dr. entrance will be the primary entrance to the hospital for the public, Ruhlman Rd as a secondary entrance and the entrance on the bypass will be for emergency vehicles only.

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 install a private access road. Seconded by Commissioner Stoll.

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

APPROVED

5. Nussbaumer & Clarke, Inc. 115 Oakhurst Street. Request for site plan approval to erect a 16,000 square foot industrial warehouse building situated in an I-3 Zone.

Mr. Rob Pidanic, Nussbaumer & Clarke, Inc was present.

Mr. Pidanic stated that he is there for site plan approval for Zenton, US. He said that he is also looking for a negative declaration for the SEQR that was provided as it is an unlisted action.

Mr. Pidanic said that back in March Zenton received approval for a special use permit because there is a house on the property that will remain, giving the Huntington family life use of. He said that was also approved by the Niagara County Planning Board.

Mr. Pidanic said that there will be a significant buffer between the house and the new building for privacy. He said that they would like to build a 16,000 square foot warehouse/office building on the 7.82-acre parcel.

Mr. Pidanic said that currently CDI operates out of 285 Market Street. He said that in 2019 CDI was bought by Zenton. He said that they have 24 employees currently and have outgrown their space. He said that they are looking to expand.

Mr. Pidanic said that this will be an attractive new building with manufacturing in the back and offices in the front. He said that they are expecting to expand the building withing 5-7 years creating more jobs. He said that there will not be any chemical storage at the property.

Mr. Pidanic said that they included the future expansions in the SEQR. He said that the future expansion would be in 5-7 years and would be 16,000 square feet, doubling the size of the facility. He said there will be a circular driveway with 60 spaces.

Mr. Pidanic said that all of the lighting will be dark sky compliant and down facing. He said that security lighting will be installed in the rear.

The meeting was opened to the public.

The meeting was closed to the public.

Commissioner Bragg asked how the parking is going to be situated now versus in the future.

Mr. Pidanic showed the board the parking layout on the site map.

Megan Brewer explained that they would have to return to the Board with any future expansions.

There being nothing further Commissioner Roth made a motion to accept the SEQR as submitted. Seconded by Commissioner Allport.

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

SEQR ADOPTED

Commissioner Roth made a motion to approve request for site plan approval for a 16,000 square foot industrial warehouse. Seconded by Commissioner Allport.

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

APPROVED

6. 116-120 Main, LLC. 133 Main Street. Request to demolish the existing structure and extend the parking area situated in a B-2 Zone.

Mr. Tony Trusso, owner was present.

Mr. Trusso stated that he is the owner of 133 Main Street. He said that there is an old bank drive-thru that they would like to demolish and install more parking. He said that there will be no other changes to the parking lot. He said that they are going to take down the structure and fix the parking lot to add more spaces. He said that the parking is a necessity for his current tenants and to attract future tenants.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Allport made a motion to approve the request to demolish the structure and extend the existing parking area. Seconded by Commissioner Roth.

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

APPROVED

7. Richard Ries. 616 West Avenue. Request to install a 705.6 KW solar array situated in an I-3 Zone.

Mr. Ries stated that owns E2I. He said that they would like to install 10 rows of ground mounted solar panels and 8 rows of roof mounted panels on the storage buildings. He said that the building roof pitch is 1:2 so it will work well. He said that he has already received Niagara County Planning Board approval.

Mr. Ries said that this is located behind the Attitudes building. He said that it is an 8.8-acre site. He said that it will not be visible because it will be behind a 7' tall fence. He said that no additional lighting will be installed.

Commissioner Tracy asked if any of the power is going back to the grid and what the noise levels are going to be.

Mr. Ries said that the inverters are about as loud as a refrigerator at 25'. He said that these are going to power the storage buildings and the remaining power will go back to the grid.

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 SEQR as submitted. Seconded by Commissioner Stoll.

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

SEQR ADOPTED

Commissioner Roth made a motion to approve the request to install a 705.6 KW solar array. Seconded by Commissioner Stoll.

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

APPROVED

Commissioner Allport made a motion to approve the minutes from the July 10, 2023 meeting. Seconded Commissioner Roth. Ayes-6 Noes-0

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

THE NEXT REGULARLY SCHEDULED MEETING WILL BE OCTOBER 2, 2023. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.