

**LOCKPORT PLANNING AND ZONING BOARD**  
**LOCKPORT, NEW YORK**  
**NOVEMBER 6, 2023**

**PRESENT:** JEFF TRACY, CHAIRMAN, MARSHALL ROTH, DON GILL, DEBBIE ALLPORT, JASON DOOL, CHIEF BUILDING INSPECTOR, DAN WOJEWODA, BUILDING INSPECTOR, PAT MCGRATH, DEPUTY CORPORATION COUNSEL.

**EXCUSED:** ROBERT BRAGG, STACY STOLL, 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.

Commissioner Tracy explained that there are only four board members present out of seven. He explained that in order to approve any requests the vote would have to be unanimous. He explained that if any of the applicants are uncomfortable with this, they can choose to table their request until the next meeting.

1. Keli & Robert Warden. 100 Irving Street. Request for a special use permit to harbor chickens and quail on the property situated in an R-1 Zone.

Ms. Warden stated that they have a half-acre of land. She said that they would like to be able to keep their chickens. She said that they help them with food security and they use the litter from their coop for their 36' x 42' garden. She said that they use the litter as fertilizer. She said that the chickens give them joy. She said that the neighbors must know that they have chickens. She said that the quail do not have long life spans, maybe two years. She said that they learned they are cannibalistic and are hard to deal with. She said that they will not be keeping them, they want to keep the chickens.

Commissioner Gill asked how many chickens they have.

Ms. Warden said that they have eight. She said they are kept in a metal shed that has a concrete pad and double doors. She said that they are secure, there is a run in the back with concrete so that they do not dig into the dirt. She said they have live traps for rodents because they don't want sick animals. She said that they catch voles all the time.

Commissioner Allport asked how many chickens they would like to keep.

Ms. Warden said eight.

Commissioner Gill asked if they have hens or roosters.

Ms. Warden said hens.

Commissioner Roth said that they are asking to keep the chickens, how long have they had them.

Ms. Warden said that they started raising chickens about three years ago at their prior residence, they moved here about two years ago. She said that everywhere else allows people to have chickens, they are trying to make sure they can keep theirs.

Commissioner Gill asked if they own their house.

Ms. Warden said yes. She said that they have a 6' fence around their yard and the coup is not visible or close to the fence.

Commissioner Allport asked if they have ever received any complaints about the chickens.

Ms. Warden said that over the summer her husband and the neighbor had words. She said after that the SPCA showed up at their house. She said that the person from the SPCA told them that they were clean and that they wouldn't have known they were there.

The meeting was opened to the public.

Ms. Warden showed the Board the pictures that they provided in the packet. She said that they would like to make the run bigger. She said they do not run around. She said in the winter they will cover the windows to create the green house effect.

Commissioner Allport asked about the quail.

Ms. Warden said they like to cook ramen bowls so they tried raising quail for the eggs. She said that they found out that they are cannibalistic when they are in season. She said that they don't want to deal with that, they don't want any more quail.

Commissioner Allport said that she is not for quail in the city. She asked if they are aware the city is in the process of rewriting the Comprehensive Plan and Zoning Code. She said that they are close to adopting the new codes and they allow people to have up to five chickens. She asked if they would be ok with five chickens and no quail.

Ms. Warden said that they would like to keep what they have. She said that they won't get more than 5 when they being to die.

Mr. Warden said that the State limit to purchase chickens is a minimum of six at a time.

Deputy Corporation Counsel McGrath said that she is not familiar with the Agricultural and Market law, she would have to look that up.

Ms. Warden said that any of the stores, Tractor Supply and any other won't let you purchase under six chickens as a time.

The meeting was closed to the public.

Commissioner Tracy explained that the request will go to the Council for final approval.

There being nothing further Commissioner Gill made a motion to not recommend the special use permit to harbor chickens and quail on the property. Seconded by Commissioner Roth.

Commissioner Tracy-yes  
Commissioner Roth-yes  
Commissioner Gill-yes  
Commissioner Allport-yes

### **SPECIAL USE PERMIT NOT RECOMMENDED**

2. Anette Seamaan. 187 Elmwood Avenue. Request for a home occupation to utilize a portion of the home for a threading/waxing business situated in an R-1 Zone.

Ms. Seamann was present with her daughter Cloe Atallah.

Ms. Atallah stated that her mother has her license for waxing and threading. She said that they have a room in the house she would like to use for clients. She said that this would be a hobby, she is getting older and can't work anymore. She said that she would like to work from home.

Commissioner Roth asked if they were aware they need to speak to Building Inspection about the space. He said that there may be a concern with parking and a bathroom.

Ms. Atallah said that there is parking in the back and side. She said that there is a Florida room with an entrance to the house that they will use.

Commissioner Roth said that they need to make sure they are in compliance with Building Inspection.

Ms. Atallah said that there will not be many clients there at once, they can park in the back.

Commissioner Tracy asked what the hours of operation are going to be.

Ms. Atallah said that it will be by appointment only. She said that right now she works until 4 pm. She said that the hours might be 4 pm to 8 pm and on the weekends. She said that it will be one client at a time.

The meeting was opened to the public.

Ms. Alice Schank, 182 Elmwood Avenue stated that this house has a split driveway, if people park on the shared part, it will cause a parking congestion on the street. She said parking is a concern.

Ms. Atallah said that just the straight part of the driveway is shared. She said that they have parking in the back. She said that there is concrete in the back, they don't park on the straight part of the driveway.

Ms. Schank said she just doesn't want congestion on the street because there are kids in the neighborhood.

Commissioner Roth asked if Ms. Schank is comfortable with the situation after hearing the solution.

Ms. Schank said yes.

Ms. Cindy Sanford, 177 Elmwood Avenue said that she had the same concerns. She said that as long as there are no employees and one client at a time it should be fine. She said that parking was a concern.

Commissioner Roth asked if Ms. Sanford is satisfied with what she has heard.

Ms. Sanford said yes.

The meeting was closed to the public.

There being nothing further Commissioner Allport made a motion to approve the request for a home occupation for a threading/waxing business. Seconded by Commissioner Roth.

Commissioner Tracy-yes  
Commissioner Roth-yes  
Commissioner Gill-yes  
Commissioner Allport-yes

### **HOME OCCUPATION APPROVED**

3. DISH Wireless, LLC. 77 Main Street. Request to install nine antennas on the lower penthouse, in addition to ancillary equipment such as radios, cabinets and electrical equipment on a 5' x 7' metal platform on the roof situated in a B-2 Zone.

Ms. Natasha Ernst, Tilson Technology was present.

Ms. Ernst stated that she is an attorney for Tilson. She said that there is rooftop equipment already there. She said that this will not be higher than anything that is existing. She said that it is not visible from the street.

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 as presented. Seconded by Commissioner Allport.

Commissioner Tracy-yes  
Commissioner Roth-yes  
Commissioner Gill-yes  
Commissioner Allport-yes

**SEQRA ADOPTED**

Commissioner Allport made a motion to approve the request to install nine antennas on the lower penthouse, in addition to ancillary equipment such as radios, cabinets and electrical equipment. Seconded by Commissioner Roth.

Commissioner Tracy-yes  
Commissioner Roth-yes  
Commissioner Gill-yes  
Commissioner Allport-yes

**APPROVED**

4. City of Lockport. One Locks Plaza. Request for review and recommendations from the Planning Board relative to the proposed Comprehensive Plan and revised Zoning Code.

Molly Gaudioso, Colliers Engineering & Design was present to answer any questions.

Commissioner Tracy stated that the Board spoke in the back regarding the changes made to the Code. He said that it was a lot of reading and most of the members are pretty satisfied with the document. He said that they have a few concerns one is the section on chickens.

Commissioner Tracy said that regarding that issue they are happy to see this issue being addressed as it does come up often. He said that in the past the Board has chosen not to recommend chickens to the Council to force them to put something in writing to address the issue. He said that this helps if they choose to keep this in.

Deputy Corporation Counsel McGrath stated that she is not familiar with the Ag and Market law and that the previous case stated that the law is six. She said that our proposed code has five hens.

Ms. Gaudioso stated that she googled the Ag and Market law and the minimum to purchase or sell is no less than six. She said that they can consider this a change in the code to be more aligned with the regulations.

Commissioner Tracy said that the Board was also speaking about home occupations. He said that they have a concern with the tracking them. He said that right now the City's

practice is more proactive, we make people come to us. He said that with the proposed changes we would have no way of knowing where they are. He said the Board asked Jason Dool the CEO and Megan because they are the ones that deal with it. He said that there are members of the Zoning Board at the meeting. He asked if they have any input on the issue.

Meghan Lutz, 207 Washington Street, Zoning Board of Appeals member, related to Home Occupancy she has concerns with not knowing if there are issues and the potential for issues and not being able to address them. She said that people would not be able to express to the Board their concerns with traffic patterns, children in the area, schools in the area. She said that there is no way to evaluate any issues if there were to be no regulations. She asked if she was reading this proposed section correctly.

Ms. Gaudioso said yes, but there are regulations that have to be followed.

Ms. Lutz said that as it is written in the proposed code, there is no way for the Building Inspection Department to know where these businesses are to track them and the ensure they are following the regulations.

Ms. Lutz said that the chickens are also a concern. She said that we went from no chickens to allowing them with some regulations which is good. She said that she is not familiar with farming laws but asked who would be responsible for ensuring that the chickens are being taken care of properly. She said that this will regulate the size and location of the housing for the chickens but who is going to regulate their care. She said she wasn't aware if Building Inspection is educated in that and if they are not who will be responsible for ensuring their care.

Commissioner Tracy asked Jason Dool if he has any chicken training.

Jason Dool said no.

Commissioner Tracy asked who Ms. Warden said came to her home, the SPCA.

Ms. Lutz said yes.

Commissioner Tracy asked Jason Dool if that's what would happen. He would go to a site and inspect the structures and see the animals and reach out to the SPCA.

Jason Dool said that he has worked with the SPCA regarding dogs and cats in the past. He said they have never worked with them regarding chickens.

Ms. Lutz said that the ZBA sees a lot of cases for area variances. She said that she noticed some changes in the code regarding impervious area. She asked how many existing lots are currently at the max based on our current code and if this is going to cause more people to apply for area variances because they have too many impervious surfaces. She said that this is now going to include driveways, pools and sidewalks which may cause more people to apply for variances when the goal was less.

Commissioner Tracy said that was part of the Board's discussion earlier.

Ms. Lutz said that there are various changes and references to site plan and special use permits. She asked if they were still going before the Planning Board.

Ms. Gaudioso said yes, site plan review and special use permits will go before the Planning Board and they will have the final approval. She said this should benefit everyone. She said that the Planning Board generally works with applicants on their site plans and are knowledgeable. She said that this should alleviate conflict and inconsistency with having one Board making the final decisions.

Ms. Lutz stated that initially there were talks about parking reductions. She said that they initially spoke about reducing the requirement to one space per unit with multi-unit dwellings. She said that the proposed code is showing one and a half spaces per unit, rounding up to two depending on the situation. She said that may be excessive for the downtown area, residential is different. She said that there are currently businesses downtown that don't have parking. She said that this is a significant increase compared to the current code.

Ms. Gaudioso said that in regards to downtown parking, restrictions are lifted for existing businesses but new businesses will have to meet the 1.5 space requirement.

Megan Brewer asked if that parking requirement change will affect change of use in buildings.

Ms. Gaudioso said that it is just for new development.

Ms. Lutz said that we currently have a project underway for a multi-unit building. She said that we were under the assumption that the parking requirement was changing to one, that is now going to be an issue.

Ms. Gaudioso said that this was a conversation that they had with the committee. She said that past practice and her personal opinion is one space per unit.

Commissioner Tracy asked if anyone else had any comments. He asked what their next step is.

Megan Brewer explained that they have options. She said that they can table the recommendation for further discussion or they can choose to send a recommendation. She suggested that the Board's recommendation should be very detailed so the Council knows what the concerns are.

There was discussion about including the remaining Board members on these discussions.

Ms. Gaudioso said that she can make an itemized list for the Board to facilitate further discussion.

Commissioner Allport said that parking, home occupations and lot coverage were all concerns.

Megan Brewer said that she also can help with that. She said that the Board has an option to call a special meeting if they so choose.

Jason Dool said because of the Council meeting timeline, there is no point in rushing this.

Commissioner Roth said that they can discuss this at the December meeting.

Deputy Corporation Counsel McGrath asked if there is a way that people can get a larger copy of the zoning maps.

Ms. Gaudioso said that the PDF is printable in 11" x 17".

Commissioner Allport made a motion to approve the minutes from the October 2, 2023 meeting. Seconded Commissioner Roth. Ayes-4 Noes-0

Commissioner Roth made a motion to adjourn the meeting. Seconded by Commissioner Allport. Ayes-4. Noes-0

**THE NEXT REGULARLY SCHEDULED MEETING WILL BE DECEMBER 4, 2023. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR [mbrewer@lockportny.gov](mailto:mbrewer@lockportny.gov).**