

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
MAY 6, 2024

PRESENT: JEFF TRACY, CHAIRMAN, MARSHALL ROTH, DON GILL, DEBBIE ALLPORT, ROBERT BRAGG, TERRY HARMON, ASHLEY PIETRZYKOWSKI JASON DOOL, CHIEF BUILDING INSPECTOR, KATHLEEN KUGLER, DEPUTY CORPORATION 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. Joshua Brege. 291 Prospect Street. Request for a special use permit to harbor chickens on the property situated in an R-2 Zone.

Mr. Brege stated that he had a run in with the Building Inspection Department and he didn't know that he needed a permit for the chickens. He said that he has had them for the past five years. He said that he was building a porch on the house and it was brought to his attention that he needed a permit. He said that he is looking for approval to keep his twelve chickens. He said the he recently lost four chickens to a fox. He said that the chickens are no issue to the neighbors, everyone loves their company and don't mind them wandering. He said that they have a new captivity and are now in their own environment, they are not free range.

Mr. Brege said that he has letters from the neighbor's in support of the chickens. He said that his mother's house is close. He said that he only has two letters with him but there are more in his other file.

Commissioner Tracy read aloud the letters in support that were submitted to the Board.

Commissioner Gill asked how many chickens he has.

Mr. Brege said currently eight.

Commissioner Harmon asked if is looking to replace the chickens that he lost to the fox.

Mr. Brege said yes. He said that he is looking for a full flock, the less birds there are the more stressed they are.

Commissioner Harmon asked if they are all hens.

Mr. Brege said yes.

Commissioner Harmon asked if he uses the chickens for eggs.

Mr. Brege said yes, he doesn't sell them, he gives them to his neighbors. He said that he can't eat that many eggs.

Commissioner Harmon said that Mr. Brege mentioned a fox. He said that he has concerns that the chickens are drawing the fox into the neighborhood.

Mr. Brege said that he has dealt with other animals before, possums, fox and raccoons.

Mr. Brege said that he does his best to keep the coup clean, he cleans it once every month or month and a half. He said that he tries to keep it up.

Commissioner Allport asked if the Board should address the potential change in the new ordinance.

Commissioner Tracy explained that currently a special use application does not end with this Board, it goes to the Common Council for approval. He said that the City is in the process of adopting a new Comprehensive Plan and Zoning Code. He said that those codes have stipulations in them regarding chicken. He said that if it stays as written the proposed plan will only allow for six chickens.

Mr. Brege said that the apparently the code is not up to speed yet. He said that he was told that the new ordinance would allow six chickens but he would like to further that and add six more. He said that he has had then for four or five years.

Commissioner Tracy said that he should contact his alderman.

Mr. Brege said that he doesn't care if he has to pay to keep the chickens. He said that his kids love them and they are family. He said that he is trying to do the right thing. He said that two streets away by the school someone has a Billy goat and fifty chickens.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Harmon made a motion to NOT recommend the request to harbor chickens on the property. Seconded by Commissioner Allport.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Gill-yes
Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

SPECIAL USE PERMIT NOT RECOMMENDED TO COUNCIL

2. A Plus Performance Cycle. 436 West Avenue. Request to change the roof line of the building and install a metal roof and vinyl siding on the building situated in a B-3 Zone.

Adam Clark stated that he owns this building and the shop on Bright Street. He said that he gave the Board copies of what he would like to do. He said that they are trying to clean up the building, they have received complaints about the exterior. He said that they are trying to make renovations.

Commissioner Harmon asked what color the roof and siding will be. He asked what material the siding will be.

Mr. Clark said that the roof will be black and the building will be white. He said that the siding will be vinyl and the roof will be metal.

Commissioner Gill asked what the building is going to be used for.

Mr. Clarks said that they don't have a plan for the inside yet. They are going to get the outside looking good. He said that it might be used for storage but they want to get the outside cleaned up.

Commissioner Harmon asked what they are going to do with the old sign pole in front of the building.

Mr. Clarks aid that eventually he would like to use the pole. He said that he can temporarily cover it if that what they want him to do. He said that if he has to, he will take it down. He said that he doesn't know the rules, is the sign grandfathered.

Commissioner Harmon asked if they are planning on landscaping the property.

Mr. Clark said that they ripped the bushes out. He said that it will most likely be grass.

Commissioner Bragg asked if the roof is going to look similar to the building across the street.

Mr. Clark said yes.

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 change the roof line and install a black metal roof and white vinyl siding. Seconded by Commissioner Harmon.

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

Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

APPROVED

3. Keystone Novelties Distributors. 76 East Avenue. Request for temporary outdoor sales of fireworks from June 26, 2024 to July 5, 2024 situated in a B-2 Zone.

Ms. Alicia Segar was present from Keystone Novelties.

Ms. Segar stated that they would like to put up a 20' x 20' tent to sell sparkling devices. She said that they will have ABC fire extinguishers and water. She said that no products will be left out at night, they will be placed into a storage container on the site. She said that someone will always be on site as long as they are operating.

Commissioner Tracy said that the Board was provided a map that shows the location of the tent. He said that the storage container is not on the map. He asked where they plan on placing the storage container.

Ms. Segar said that it will be 20' from the tent.

Commissioner Tracy asked on which side of the parking lot.

Ms. Segar said that it will be on the East Avenue side.

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

Ms. Segar said that they will have a banner around the tent. She said that sometimes they put a little sign at the road but not always. She said that the signage is around the skirting of the tent.

Commissioner Gill asked how long the display will be there.

Ms. Segar said that it will be up from June 26th to July 5th. She said that they usually pick up the container on the 6th.

Commissioner Tracy asked if they operate in any other locations.

Ms. Segar said yes, they have three locations in Niagara Falls and ten in the Buffalo area.

Commissioner Harmon asked if there is onsite security.

Ms. Segar said that at night the product is in the secure storage container locked. She said that during the day there is always someone 18 years old or older on site as long as the product is out.

The meeting was opened to the public.

The meeting was closed to the public.

Jason Dool, Chief Building Inspector stated that he was unaware that there was going to be a storage container on site. He said that there is tenant space where Zoom Tan used to be that is opening a salon soon. He said that he has concerns about traffic flow and possible parking spaces being taken. He said that there could also be setback issues. He said had he known they were planning on installing a storage container, he could have all these answers for them already.

There being nothing further Commissioner Bragg made a motion to deny the request for temporary outdoor sales of fireworks. Seconded by Commissioner Harmon.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Gill-yes
Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

DENIED

4. Mulvey Construction, Inc. 717 East Avenue. Request to construct a new enclosed entryway for the Grill Room portion of the club situated in an RA Zone.

Jim Knapp, Mulvey Construction was present.

Mr. Knapp stated that they would like to build an addition. He said that it will be a small vestibule for the Grill Room. He said that they want to build this to eliminate the wind getting into the building. He said that it will be a small area, 6.5' x 7.6' on a concrete pad. He said that they are going to build an ADA ramp outside of the enclosure with railings.

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 construct a new enclosed entryway for the Grill Room. Seconded by Commissioner Roth.

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

Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

APPROVED

5. Nussbaumer & Clarke, Inc. 115 Oakhurst Street. Request to amend the site plan to include a driveway on the north side of the property situated in an I-3 Zone.

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

Mr. Pidanick stated that the Board has approved two site plan requests already for the Zeton project. He said that the people from Zeton had a discussion with the owner of the adjacent property because there is an existing easement for storm sewer that is behind the property. He said that Zeton would have to ask permission to get into the easement. He said that when the people from Zeton spoke with Mr. Miller it was easier to buy a portion of the property. He said that Mr. Miller is going to sell them a .59 acre section of his parcel. He said that that parcel will be incorporated into the 115 Oakhurst property.

Mr. Pidanick showed the Board the two exhibits that were submitted to the Board. One being a survey of Mr. Miller's property and one of the section of the parcel that is to be sold.

Mr. Pidanick said that Mr. Miller's property is 4.66 acres.

Mr. Pidanick said that they are proposing to install a driveway on Niagara Street to give their employees another option to come in and out.

Mr. Pidanick showed the Board drone pictures of the progress they have already made at the site. He said that construction has started. He said that they have already stripped the land and have started construction on the detention pond.

Commissioner Gill asked if there is going to be truck traffic on Niagara Street.

Mr. Pidanick said that they designed the project for the truck entrance to be on Oakhurst Street. He said that the new driveway would be for employees or utilities in the future.

Commissioner Tracy asked if the driveway is going to be installed now or in the future.

Mr. Pidanick said that Zeton has future plans for expansion. He said that he is not sure if they plan on installing the driveway now but he guesses sooner rather than later. He said that he does not have a time line.

Commissioner Harmon asked if this driveway is going to interfere with the detention pond.

Mr. Pidanick said that there will be a culvert that will go under the driveway.

Commissioner Gill said that he has concerns about the trucks going out to Niagara Street.

Mr. Pidanick said that Niagara Street is narrow, it is not meant for trucks. He said that they designed the projects for larger vehicles to come onto Oakhurst Street.

Commissioner Harmon asked if there is going to be any lighting along the driveway.

Mr. Pidanick said that they are not planning on that right now. He said that they may install some in the future for safety reasons. He said that if they do install any, they will all be down facing.

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

Mr. Pidanick said that Zeton has a manufacturing area and an engineering department. He said that they are not a 24 hours facility more like an 8 am to 5 pm.

Commissioner Tracy asked what Chemical Designs hours of operation are currently on Market Street.

Mr. Pidanick said 8 am to 5 pm.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Roth made a motion to amend the site plan to include a driveway on the north side of the property. Seconded by Commissioner Harmon.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Gill-yes
Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

APPROVED

6. Nussbaumer & Clark, Inc. 646 Niagara Street. Request to subdivide a .59 acre section of the parcel situated in an I-2 Zone.

Mr. Rob Pidanick, Nussbaumer & Clark was present.

Commissioner Tracy asked if the Board needs Mr. Pidanick to explain the project again. He asked if anyone had any questions.

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 subdivide a .59 acre section of the parcel with the condition that the .59 acre parcel be combine with 115 Oakhurst Street. Seconded by Commissioner Roth.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Gill-yes
Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

APPROVED

7. Amanda Gorko. 329 East Avenue. Request for a home occupation for a one chair salon situated in an R-2 Zone.

Ms. Gorko stated that she has been a licensed hair stylist for 18 years. She said that she would like to work from her home. She said that this is something she is very passionate about. She said that she will install a handicap ramp to make her home accessible for her customers. She said that she is new to this process.

Commissioner Gill asked she planned on putting a sign up.

Ms. Gorko stated that she would like to put a sign up by the bay window but it wouldn't be lit.

Megan Brewer explained that home occupations do not allows for signage. She said that if should would like to install any signage, she would have to go before the zoning board.

Commissioner Gill asked how many chairs the salon would be.

Ms. Gorko said one.

Commissioner Tracy asked what the hours of operation will be.

Ms. Gorko said Tuesday, Wednesday, Thursday and Friday from 12 pm to 8 pm and on Sunday appointment only. She said most of it will be appointments.

Commissioner Harmon asked if she had enough parking to accommodate her customers.

Ms. Gorko said that she lives on the corner and there is on street parking. She said that she also has a five car driveway and only one or two cars will be there at a time.

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 from a home occupation for a one chair salon. Seconded by Commissioner Allport.

Commissioner Tracy-yes
Commissioner Roth-yes
Commissioner Gill-yes
Commissioner Allport-yes
Commissioner Bragg-yes
Commissioner Harmon-yes
Commissioner Pietrzykowski-yes

HOME OCCUCATION GRANTED

Commissioner Roth made a motion to approve the minutes from the April 1, 2024 meeting. Seconded Commissioner Harmon. Ayes-7 Noes-0

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

THE NEXT REGULARLY SCHEDULED MEETING WILL BE JUNE 3, 2024. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.