

LOCKPORT PLANNING AND ZONING BOARD
LOCKPORT, NEW YORK
JUNE 1, 2026

PRESENT: JEFF TRACY, CHAIRMAN, TRACY FARRELL, MARSHALL ROTH, JOHN TAYLOR, LARRY BOUCHARD, DAN WOJEWODA, BUILDING INSPECTOR, DAMON DECASTRO, DEPUTY CORPORATION COUNSEL.

EXCUSED: ASHLEY PIETRZYKOWSKI, ROBERT BRAGG

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. Winn Latt Chit & Eaint Thiri Aung. 101 Park Lane Circle. Request for a Special Use Permit to operate a short term rental situated in a Low Density Residential Zone.

Applicants failed to show. The public was informed the applicant will have to reapply if they wish continue with the process.

2. Mark DelGrosso. 481 Washburn Street. Request for minor site plan approval to erect a 24' x 24' detached garage situated in a Low Density Residential Zone.

Mr. DelGrosso stated that he would like to build a 24' x 24' garage.

Commissioner Tracy asked if the materials are going to match the house.

Mr. DelGrosso said that the garage will be wood frame, concrete floor and davinci shingles.

Commissioner Roth said it is going to mirror the house.

Mr. DelGrosso said yes, the house is stucco and so will the garage.

Commissioner Farrell asked what is going to be stored in the garage.

Mr. DelGrosso said cars and personal items.

Commissioner Roth asked if they are going to install any lighting on the garage.

Mr. DelGrosso said that he will install a flood light with a camera.

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 minor site plan to erect a 24' x 24' detached garage.

Seconded by Commissioner Bouchard.

Commissioner Tracy- yes
Commission Taylor-yes
Commissioner Farrell-yes
Commissioner Roth-yes
Commissioner Bouchard-yes

APPROVED

3. Hurren Properties, LLC. 598 & 600 West Avenue. Request to combine 598 & 600 West Avenue and subdivide the 156.14' x 624' rear portion of the lot situated in a General Industrial Zone.

Attorney Greg Pope was present to represent Hurren Properties, LLC.

Mr. Pope stated that the properties are going to be merged together and would like to sell the rear portion. He said they would like to sell the rear 154'x 624' section. He said that the regulations require a minimum 45,000 square foot lot and they will have more than that.

Mr. Pope stated that the rear subdivided portion will be combine with 801 Richfield Street.

Commissioner Bouchard asked if there is going to be any fencing to delignate which property is which.

Mr. Pope said that a berm will be installed with trees.

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 combine 598 & 600 West Avenue and subdivide the 156.14' x 624' rear portion of the lot.

Seconded by Commissioner Bouchard.

Commissioner Tracy- yes
Commission Taylor-yes
Commissioner Farrell-yes
Commissioner Roth-yes
Commissioner Bouchard-yes

APPROVED

4. PathStone Development Corporation. 26 Market Street. Request to rezone the parcel from Mixed Light Industrial to Mixed Use Downtown.

Mr. Josh Fraass, PathStone Development Corporation was present.

Mr. Fraass stated that he is present with Charlie Oster, Edgemere Development, Matt Tomlinson, Marathon Engineering, Bob Croker, architect.

Mr. Fraass stated that they are before the board to have the parcel rezoned from Mixed Use Light Industrial to Mixed Use Downtown to match the building parcel.

Mr. Tomlinson showed the board and public maps indicating the parcels and the project.

Mr. Tomlinson stated that the Bewley Building is at 4 Market Street. He said that 26 Market Street, the parking lot is the parcel they are requesting be rezoned. He said that the lot line is currently about a foot from the building face on the north side of building. He said that they have been working on this project for quite some time but they are at a point where they are starting to pursue the entitlements for that and have some processes to get through.

Mr. Tomlinson said that they will be coming back for site plan review with the assumption that this parcel gets rezoned.

Mr. Tomlinson said that they had a variance application in a few months ago. He said that they need either that or a rezoning. He said that the Bewley Building is an old building. He said that it has an interior stair tower and elevator but only one means of egress. He said that as they talk about redeveloping the building and converting it to mixed use with commercial and residential a second means of egress is critical for life safety and wellness for the development.

Mr. Tomlinson said that they need to create accessible entry point with a stair tower and additional elevators internal to the building or amending the building's façade. He said that with the building's historical layout there are significant challenges with a building of that age. He said they are proposing a small addition on the north side of the building.

Mr. Tomlinson said that they have two challenges. He said one, the property line. He said that they either need to move the property line which would then have two properties and not matching zoning limits. He said that the other option is to combine the properties. He

said that their intent is to combine the parcels so that the building and parking lot are on the same property. He said that they would have the same issue with two different zonings.

Mr. Tomlinson stated that in the initial discussion, they had applied for a variance because they proposed leaving the zoning as it was. He said that they ended up withdrawing that with the guidance of staff and pursuing the rezoning.

Mr. Tomlinson said that they know they have to come back for site plan approval, but this is really the first step. He said that they cannot do the site plan without the rezoning. He said that this went before the Niagara County Planning Board and came back no impact county wide or with the inter municipal agreement. He said that this is not an approval or disapproval, it is a recommendation to the Council to make the ultimate decision. He said that they need this in order to put a full site plan package together and come back to this board in the coming months.

The meeting was opened to the public.

The meeting was closed to the public.

There being nothing further Commissioner Farrell made a motion to not recommend the rezoning of 26 Market Street from Mixed Light Industrial to Mixed Use Downtown. Seconded by Commissioner Roth.

Commissioner Tracy- no
Commission Taylor-no
Commissioner Farrell-yes
Commissioner Roth-no
Commissioner Bouchard-no

MOTION DENIED

Megan Brewer explained that the motion that was voted on was to not recommend the rezoning. She explained that it failed.

Deputy Corporation Counsel stated that they are in limbo here. He said that someone would have to make a motion to recommend.

Commissioner Bouchard made a motion to recommend the rezoning of 26 Market Street from Mixed Might Industrial to Mixed Use Downtown. Seconded by Taylor.

Commissioner Tracy- no
Commission Taylor-yes
Commissioner Farrell-yes
Commissioner Roth-no
Commissioner Bouchard-yes

MOTION FAILED

Commissioner Tracy stated that the Board is going to go into executive session to gain some legal advice from the attorney.

Commissioner Taylor made a motion to return from executive session. Seconded by Commissioner Roth.

Commissioner Tracy- yes
Commission Taylor-yes
Commissioner Farrell-yes
Commissioner Roth-yes
Commissioner Bouchard-yes

MEETING RESUMED

Commissioner Farrell made a motion to not recommend the rezoning of 26 Market Street from Mixed Light Industrial to Mixed Use Downtown. Seconded by Commissioner Roth.

Commissioner Tracy- no
Commission Taylor-no
Commissioner Farrell-yes
Commissioner Roth-yes
Commissioner Bouchard-no

MOTION FAILED

Commissioner Tracy stated that two members of the Planning Board are absent and they need majority of board to pass a motion.

Mr. Fraass asked if he could come back and speak.

Deputy Corporation Counsel DeCastro stated that the board can vote to reopen the public hearing.

Commissioner Roth made a motion to reopen the public hearing. Seconded by Commissioner Bouchard.

Commissioner Tracy- yes
Commission Taylor-yes
Commissioner Farrell-yes
Commissioner Roth-yes
Commissioner Bouchard-yes

PUBLIC HEARING REOPENED

Mr. Fraass stated that no questions were asked by the Board. He asked if there is anything they can address to help the situation.

Commissioner Roth stated that he doesn't believe so because they are not weighting in the on project. He said they are weighing in on the zoning of the property only.

Mr. Tomlinson asked if this gets stuck where it is and they cannot come to a resolution, is it an automatic table until there are additional members here. He said that they would like to understand procedurally where this would lead them.

Commissioner Tracy said that procedurally, he believes they can request to be tabled.

Deputy Corporation Counsel DeCastro said that the applicant can request to be tabled and the board would make a motion.

Mr. Tomlinson said that if they don't request that because they want to move forward to the Common Council, what the next step would be.

Deputy Corporation Counsel DeCastro said that the board would have to continue deliberations and make a decision.

Mr. Tomlinson said that he doesn't think they are ready to request that yet.

Commissioner Tracy reiterated that if the applicant does not request to table the board has to continue this dance.

Mr. Fraass asked if there is the ability for the public to speak, there are some members that misunderstood.

Commissioner Tracy said that he was just about to reopen the public portion.

Mr. Oster stated that he has a general question. He said that he works for Edgemere Development. He said that he has a questions for the no voters. He asked what the rationale is. He said that this is just about the rezoning. He said that he think everyone understand that if they do or do not like the site plan they are proposing, they will have an opportunity to weigh in on that.

Mr. Oster said that even if this project doesn't happen, it seems like there are good reasons for rezoning and combining the two parcels. He said that if the Bewley Building project does not proceed the way they are proposing it, he understand that is a possibility. He said that whatever happens next to the Bewley Building, you are going to want to have the parking lot attached to it. He said that you are going to want it to be zoned the same otherwise you might open it up to getting sold independently. He said that even if

their project doesn't work, it seems to make sense to rezone the parcel. He asked if one of the commissioners would speak to why they are opposed to the rezone.

Deputy Corporation Counsel DeCastro said that they are not obligated to justify their vote.

Commissioner Tracy reiterated that they are not obligated to justify their votes.

Ms. Anita Mullane, 93 Lindhurst Drive stated that she was the 2nd ward alderwomen until December. She said that she read comments in the newspaper from the Mayor, who does not speak for her. She said that they voted as a Council last year to deny this project because they didn't know enough about it. She said that they put in a resolution then they did their homework. She said that they changed their plan. She said that they went to see the building and the poor shape that it is in. She stated that she supports the project, she is not against it. She said that she has lived here her entire life. She said that she has seen buildings fall apart. She said that putting the two parcels together makes sense regardless of who buys it. She said that it makes sense that the parking lot goes with the building.

Commissioner Tracy said, not to put words in her mouth but she is speaking in favor of the rezoning.

Ms. Mullane said yes because at some point there are not going to be any more developers, and why would you want to come if this is what we put them through. She said that it is ridiculous. She said that she is going to do everything she can to get the public to support this project.

Mr. Kevin McDonough, 70 Lakeview Parkway, stated that the issue is zoning the parking lot to match the building at a time where what else are you going to do with the building if there is no parking attached to it. He said how this got passed in the first place needs to be addressed, having a parking lot zoned Mixed Light Industrial when it should be Mixed Use Downtown. He said that it needs to be looked at and addressed no matter what the future of the building is. He said that this is why the Bewley Building Associates purchased the property years ago, to use for parking. He said that the zoning should be the same so that we can finally get some mixed development in this community because all we have going for us is tourism in our downtown and it isn't enough. He said that we need to rezone this lot and get it where it needs to be. He said that we just went through a rezoning and it is going to have some issues that have to be ironed out. He said that the zoning code is light years better than before but this is just another piece of the puzzle to make things work.

Mr. McDonough said please come to your senses, it is 2026 not 1962. He said we need to get our downtown zoning in line with the type of development that we need to support our tax base and have a community to grow. He said we need real progress not progressive politics.

Ms. Maggie Lupo, 17 Bobolink Lane, stated that she was the 5th Ward alderwomen until January 1st. She said that she wants to mention that they did rezone downtown. She said that some things got away from them. She said that it should all be zoned as one. She said

that if this project fails and, she knows there is some talk around the community of someone purchasing the property to build a hotel, and if they need the parking lot, and in a year or two the board rezoned it so the parking lot would go with the hotel, it seems like it would be a huge legal conflict. She said that you can't pick and choose that way. She said that her recommendation would be to let this go forward and let the Council deal with it. She said that she isn't sure why that is happening, she doesn't recall this ever being an issue before, she feels like there is some kind of game playing going on.

The meeting was closed to the public.

There being nothing further Commissioner Bouchard made a motion to recommend the rezoning of 26 Market Street from Mixed Light Industrial to Mixed Use Downtown. Seconded by Commissioner Taylor.

Commissioner Tracy- yes
Commission Taylor-yes
Commissioner Farrell-no
Commissioner Roth-yes
Commissioner Bouchard-yes

REZONING RECOMMENDED TO COUNCIL

Commissioner Roth made a motion to approve the minutes from the May 4, 2026 meeting. Seconded Commissioner Bouchard. Ayes-5 Noes-0.

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

THE NEXT REGULARLY SCHEDULED MEETING WILL BE JULY 6, 2026. IF YOU CANNOT ATTEND, PLEASE CONTACT MEGAN AT 439-6754 OR mbrewer@lockportny.gov.