

TOWN OF LOCKPORT
PLANNING BOARD MEETING MINUTES
November 17, 2010

PRESENT: Robert Balcerzak
Morris Wingard
Mark Kilroy
Robert Langdon
Richard Forsey, Chairman
Scott Carlson, Appointed Alternate

ABSENT: Rodney Conrad
Walter Thorman

ALSO PRESENT: Brian Belson, Senior Building Inspector
Robert Cebulski, Town Engineer
Fred Frank, Town Engineer
Daniel Seaman, Town Attorney
Jane Trombley, Secretary

Chairman Forsey called the November 17, 2010 Planning Board meeting to order at 7:00 pm November 17, 2010 and then led the Pledge of Allegiance.

Chairman Forsey appointed Alternate Carlson a full voting member due to absences of Member Conrad and Member Thorman.

CASE #1 **5714 South Transit Road – SBL #123.13-1-11./B – Mihpier Corp., Owner –**
Christopher Heitzenrater presenting. Special use permit for bottle and can redemption center.

Chairman Forsey opened the Public Hearing. Hearing no comments, Chairman Forsey closed the Public Hearing.

MOTION made by Member Wingard, seconded by Member Langdon to approve the special use permit for 5714 South Transit Road, for a bottle and can redemption center conditional on there being no outside storage, based upon the following findings:

The Planning Board has taken into consideration the criteria set forth in Town Law 200 -137 pertaining to special use permits, and finds specifically:

1. The project will comply with all legal requirements and will be in harmony with the purposes of the B2 district;
2. The project will not be detrimental to adjacent uses;
3. The project will not cause traffic congestion, impair pedestrian safety, will not overload roads, and will have sufficient accessible parking

4. The project will not stress or overload any amendable utility or facility and is environmentally neutral;
 5. The project is suitable for the property on which it is proposed;
 6. The project will not cause excessive noise, odors, dust, waste, glare, and will not create a nuisance;
 7. The project will not adversely affect the aesthetics of the premises or adjacent areas;
 8. The project will not cause the site to become unduly congested, dangerous or unattractive;
 9. The special use will have no adverse impacts.
- 6 Ayes, 0 Nays, Carried.

CASE #2 **6157 South Transit Road – SBL #138.00-1-26.1 – Basil Toyota –** Site plan review for new dealership. William Wincott of D R Chamberlain presenting with Mike Basil. Mr. Wincott stated they have closed the north entry and placed trees on the Transit right of way at 50’ center as 30’ didn’t look right.

Attorney Seaman stated the Public Hearing has been waived, but they are required by the State to have approval from the Niagara County Planning Board before this Board can grant approval.

CASE #3 **7143 Akron Road – SBL #124.03-2-46.2 – K. Schaffer, Owner.** Proposal to subdivide 12.9 acres into 10 parcels. Tabled at the workshop.

CASE #4 **6093 South Transit Road – SBL #138.13-1-3 – Ontario Auto Sales, Owner –** Request for modification of the Planning Board approval dated 8-18-10 and resubmit a new proposal for site with expansion to include 6091 South Transit Road located to the north. Tim Arlington of Apex Engineering presenting. Mr. Arlington stated the consultants didn’t find anything detrimental.

BE IT RESOLVED, that this Board accepts and adopts the following conclusions regarding architectural design:

ARCHITECTURAL DESIGN STANDARDS – CRITERIA A-L	
ONTARIO AUTO SALES, LLC	
A	<p>Building Materials, variation of relief, architectural styles, colors, compatibility of amenities including awnings, signs, lighting, and landscaping in relation to architectural design.</p> <p><i>The existing building is constructed of masonry stucco. A partial asphalt shingle roof covers the top portion of the building. The proposed building will be located at the rear of the existing building and be constructed of masonry block with a metal roof. The metal roof will extend beyond the roofline of the existing building and will be visible from the street. A garage door will be located on the south façade. The building elevations provided are in black and white, actual colors cannot be reviewed.</i></p>

B	The surrounding area and the building located in the surrounding area, potential and existing development of the area, and compatibility of architectural design.	<i>The new building is designed to be complementary with the existing office building and garage. Development in the area generally consists of block buildings that house offices for vehicle sales or other businesses.</i>
C	Overall aesthetic enhancement of the Town and its various districts.	<i>It is the opinion of the Town Planner that the proposed building will not result in an overall aesthetic enhancement.</i>
D	Corporate signature styles or prototype buildings shall not be of paramount importance and shall not override other considerations given weight by the Planning Board.	<i>This building does not incorporate a prototype or signature style building design.</i>
E	Architectural design for multiple buildings shall not be integrated for general period, style, coloration and thematic compatibility.	<i>The main building and addition are not designed around a particular period or theme.</i>
F	Architectural design shall not be limited to any period, but due consideration shall be given to local, commercial, industrial and governmental architectural style during the historic development of Niagara County from the 1820's through the 1920's.	<i>The existing building design will altered slightly to incorporate additional windows. The roofline from the building addition will be visible above the roofline of the existing office building. Neither building design incorporates features of Niagara County's historic development.</i>
G	Corporate logos, patterns, designs identifying details, color and shapes shall be reviewed for architectural and design compatibility and aesthetics and may be required to be deleted or modified when in conflict with acceptable design standards, except when incorporated into allowed signage, pursuant to Chapter 200, Article XXIV.	<i>Corporate architecture and design style is not used in this building.</i>
H	When necessary, the Planning Board may require justification of design element by written documentation, including narratives, by the applicant's architects or design engineers.	<i>It is the opinion of the Town Planner that additional justification is not required for any design element.</i>
I	The Planning Board may require independent architectural evaluation by an architect or such other planners or experts as it determines at the applicant's expense, provided no such evaluation shall cost in excess of one-half of one percent of average per square foot building costs for structure of similar type, as	<i>It is the opinion of the Town Planner that independent architectural evaluation is not required for any design element.</i>

	determined by the Building Department of the Town of Lockport, based upon the square footage of the proposed structure.	
J	New or altered buildings shall not be so at variance with either the exterior architectural appeal and functional plan of the structure already constructed or in the course of construction in the immediate neighborhood or the surrounding area as to cause a substantial likelihood of depreciation in property values.	<i>The building addition will be taller than the existing building and include a pitched roof.</i>
K	New or altered buildings shall not be so detrimental to the desirability, property values, or development of the surrounding areas as to cause harmful effects by reason of excessive similarity, excessive dissimilarity, or appropriateness in relation to established character or other structure in the immediate area or neighboring areas.	<i>The new proposed building does not exhibit characteristics that are assumed to create a detrimental situation or negatively impact the surrounding property values in the immediate area.</i>
L	Review of alterations to existing buildings shall take into consideration limitation and practical difficulties caused by the existing features and materials of the building.	<i>Most of the proposed building addition will not be visible from the street as it will be located behind the existing building.</i>

And be it further,

RESOLVED, that the architectural design for Ontario Auto Sales, LLC is hereby approved and the Chairman is directed to so certify.

MOTION made by Member Carlson, seconded by Member Wingard to adopt the above resolution. 6 Ayes, 0 Nays, Carried.

BE IT RESOLVED, that the site plan of Ontario Auto Sales, LLC, for 6093 S. Transit Road, having been reviewed, and a Public Hearing having been waived, and said plan having been referred to the Niagara County Planning Board, it is the finding of this Board that:

1. The site plan demonstrates that compliance with the Commercial Corridor required side yard setback of 25 Planning Board

feet presents an extreme difficulty to the applicant because of the location of the existing building on the site and the need to abut the existing building with the addition and accordingly said requirement is waived.

2. The depth of the lot and the need to obtain a critical mass of inventory on the site cause the 30 foot set back from the edge of the Transit Road right of way to present an extreme difficulty to the applicant, and, therefore, the 30 foot setback required by the Commercial Corridor Overlay District for parking of vehicles is waived and the setback is established at 15 feet as shown on the this site plan.
3. The requirement of islands in the parking areas and 10% greenspace as established by the Commercial Corridor Overlay District presents an extreme difficulty to the applicant because of the lot depth and the necessary area for establishing inventory parking. Accordingly, said requirement is waived, conditioned upon mitigation by establishment of greenspace and plantings as depicted on the proposed site plan.
4. The rear yard setback required by the Commercial Corridor Overlay District presents an extreme difficulty to the applicant for the reasons set forth in Number 1, 2 and 3 above, and said requirement is waived.

Further, it is the finding of the Planning Board that the proposed site plan presents an overall improvement to the area depicted on the site plan, and said plan dated the 9/10 day of September, 2010, is hereby approved, conditioned on the following:

1. Signage limits of Town Zoning shall be met;
2. Cross access shall be maintained to both north and south parcels.

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MOTION made by Member Carlson, seconded by Member Kilroy to approve the site plan with the modifications dated 11-12-10. 6 Ayes, 0 Nays, Carried.

Attorney Seaman noted that SEQRA was addressed at the first approval and is not necessary as this is a modification of a previously approved site by the Planning Board.

MOTION to approve by Member Wingard, seconded by Member Kilroy. 6 Ayes, 0 Nays, Carried.

MOTION made by Member Wingard, seconded by Member Kilroy to adjourn. 6 Ayes, 0 Nays, Carried.