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TOWN OF LOCKPORT
PLANNING BOARD MINUTES
April 18, 2012

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

ALSO PRESENT: Brian Belson, Senior Building Inspector
Fred Frank, Town Engineer
Jane Trombley, Secretary

ABSENT: Thomas Grezebinski, Alternate
Rodney Conrad
Walter Thorman

The April 18, 2012 Planning Board meeting was called to order at 7:00 pm by Chairman Forsey who announced the Public Hearings for **5377 Upper Mountain Road – SBL#108.00-1-33.12 – Elmwood Real Estate, Owner; and 1010 Kinne Road – SBL#153.00-1-9.12 – Morris Wingard, Owner** - were changed to May 2, 2012 as the announcement was not printed in the newspaper.

Chairman Forsey noted there was not currently a quorum and no decisions could be made at this time.

CASE #1 6719 South Transit Road – SBL#152.03-1-27 – Elmwood Real Estate, Owner – Craig Heidelman proposing a 4 bay car wash. Special Use Permit, Architectural Review, Site Plan Approval. Variances required, Niagara County Planning Board referral. Craig Heidelman presenting with Rick Haight. Mr. Heidelman stated he currently operates other car washes including the one located in Wrights Corners and one in Medina that are going well.

Chairman Forsey stated there is a question about what type of privacy fence they plan to install. Mr. Heidelman stated the one that is there is very rickety and they can install whatever the Board would like. Chairman Forsey suggested stockade. Town Engineer Frank asked if they plan on placing it in front of what is currently there and Mr. Haight said they plan about a foot from the property line and he is not exactly sure where that will be in relation to the present fence.

Chairman Forsey asked about some greenery. Mr. Heidelman stated they have pine trees in Medina and Chairman Forsey stated we don't want anything that will block the view.

Senior Building Inspector Belson stated the fencing can come closer to the road than what is proposed, but the fence could only be 3' high. Mr. Heidelman stated he is willing to do whichever is best.

Member Wingard asked where the main entrance will be located. Mr. Heidelman stated there will only be one entrance from Bartz Road, none from Transit Road. Mr. Heidelman stated there will be stacking of the cars, as it is less confusing, they will enter and flow back out.

Member Wingard stated he feels it would be best to locate as far off Transit as possible. Mr. Heidelman stated that is why they situated the building where they did. Mr. Heidelman stated they will have one self wash bay and three automatic bays, and if the volume is too great, they would replace the self wash with another automatic.

Member Carlson stated the lighting needs to face inward, not into the drivers eyes. Mr. Heidelman stated they will have Pac lights that goes straight down, and the back of the building will be lit up 24 hours a day and the building and parking lot lights will be on a timer. No pole lights. Chairman Forsey stated the lights also can't shine onto the neighbor's property. Mr. Heidelman stated he is getting a letter from the owner of the property, who is currently out of town, stating he has no objection to the project.

Member Kilroy asked if the doors will be kept down. Mr. Heidelman stated in cold weather the doors will be down but in better weather it is better for the flow if they are open. Mr. Heidelman stated the dryers will go over the cars and the doors will open and close as the cars go through.

Member Carlson questioned if the façade will comply with the Transit Corridor. Mr. Heidelman stated it will be architectural block that looks textured.

Member Wingard asked if they have received Niagara County approval and Senior Building Inspector Belson stated not yet.

Town Engineer Frank asked if the setback was acceptable and Chairman Forsey stated it looks decent.

As another Board member had arrived, Chairman Forsey stated we can now make decisions and led the Pledge of Allegiance.

MOTION made by Member Carlson, seconded by Member Kilroy to approve the March 14, 2012 work session minutes. 5 Ayes, 0 Nays, Carried.

CASE #2 **5869 Robinson Road – SBL #137.02-1-27 – Allen Lang, Owner – Janet Zeher** proposing to build a dog kennel/training facility. Has received Niagara County Planning Board approval. Site Plan, Architectural Review and Special Use. Mike Seeley presenting with Janet Zeher.

Wallace Swader of 5821 Robinson Road stated a petition had been presented with 21 signatures of neighbors, opposing this project. Senior Building Inspector Belson explained that the Public Hearing had been held in October for this project and people can listen now, but not speak as this is not the Public Hearing. There was much discussion as to whether the neighbors had been notified, procedures explained and neighbors still very irate that they couldn't speak now.

Mr. Seeley stated the plans have been submitted to the Town and the entrance grading has been revised, there is less slope and a less dense spot of drainage now. Mr. Seeley stated they will be going to the Zoning Board of Appeals for the pond which is more for aesthetic than necessity, but they are not able to meet the 100' setback from the canal, but they do meet the setback from the residence. Mr. Seeley stated the drainage around the swale has been accommodated and they are hoping for site plan approval from an engineering aspect.

Member Carlson questioned if there will be dogs out at night and lights on. Chairman Forsey stated approval can be conditional on the dogs not being allowed out between 9 pm and 7 am. Ms. Zeher requested that be changed to between 9 pm and 6:30 am, as that is a long time for the animals not to be let out.

Ms. Zeher stated there will be an outside run or play area on the side of the canal.

Member Kilroy asked about the outside lighting. Mr. Seeley stated just lights at the doorways.

Senior Building Inspector Belson asked if all kennels are covered and Ms. Zeher stated yes, they are all under the roof.

Member Langdon asked if the dogs will be running loose and Ms. Zeher stated no, they can't run outside of their run except in the play area, west of the kennel, that they would have to be taken to, and that is also fenced in where they can play with 2 or 3 other dogs.

Member Wingard asked how large of an area the dogs are kept in. Ms. Zeher stated some are 4 x 6 and some are 6 x 6 with doors that open automatically that can be restricted by the staff. Member Langdon asked if the dogs are always in the 4 x 6 or 6 x 6 areas. Ms. Zeher stated yes, except when they are in the play

area outside for about an hour to an hour and a half a day with at most 4 to 5 dogs out at one time.

Someone in the audience again complained about dogs barking and Ms. Zeher stated she is a trained dog handler and her employees are certified, and they know how to control barking dogs.

MOTION made by Member Wingard, seconded by Member Langdon to accept the following resolution as a negative declaration. 5 Ayes, 0 Nays, Carried.

TOWN OF LOCKPORT

RESOLUTION

WHEREAS, a Short Environmental Assessment form having been prepared and filed by the Town of Lockport, relative to 5869 Robinson Road, the proposed Paw Prints Animal Care Center, Janet Zehr, applicant, and this form having been reviewed and considered,

NOW, THEREFORE, THIS BOARD FINDS AS FOLLOWS:

The Town of Lockport Town Board is the lead agency and the only involved agency. The action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA). This Board finds that this action will not have a significant adverse effect on the environment and, accordingly, directs that a Negative Declaration pursuant to SEQRA be issued.

MOTION made by Member Kilroy, seconded by Member Wingard to grant the following Special Use Permit Resolution. 4 Ayes, 0 Nays, 1 Abstained (Member Carlson). Carried.

**TOWN OF LOCKPORT PLANNING BOARD
RESOLUTION - SPECIAL USE PERMIT**

WHEREAS, Paw Prints Animal Care Center/Janet Zehr, has applied for a Special Use Permit, now therefore be it

RESOLVED, that Pursuant to §200-137, of the Town of Lockport Zoning Code, this Board makes the following findings regarding the application of Paw Prints Animal Care Center/Janet Zehr, for Special Use Permit at 5869 Robinson Road, Lockport:

1. The project will comply with all provisions and requirements of applicable laws and regulations except as variances are obtained. The project will be in harmony with the purposes of the agricultural land use district in which it is located and with the general intent and purposes of the Zoning Code.
2. This property and several adjacent properties are zoned Agricultural Residential (AR), which requires a special use permit for commercial dog kennels.
3. The proposed project will not be detrimental to adjacent uses as the site is surrounded by vacant land, agricultural uses, and the Erie Canal on one side. A 6 foot high privacy fence will be installed along the outdoor animal yard facing Robinson Road to provide screening from the roadway and nearby properties.
4. The proposed project is small enough in scale as to not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads. The site is large enough to consist of appropriate parking and will be accessible to fire, police, and other emergency vehicles.
5. The proposed project will not overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem. A private septic system will be installed as part of this project.
6. The proposed project is suitable for the property on which it is proposed and will retain a large portion of the site as natural.
7. The project will not result in excessive noise, dust, odors, solid waste, or glare and will satisfy the general land use performance standards of the Zoning Law. The dog kennels consist of an outdoor space and there is an outdoor animal yard proposed as part of the project. Both of these areas will be

enclosed by a fence, and a 6 foot high privacy fence will be constructed along the portion that faces Robinson Road.

8. The project will not adversely affect the aesthetics of the site or adjacent properties and neighborhoods. The site is currently vacant and is surrounded by vacant and agricultural land.

9. Considering that the location of this building is within a predominantly agricultural area, the character and scale of this building is appropriate for the neighborhood.

10. The project will not result in any adverse impact.

And be it further, resolved that the following condition shall apply that no dogs shall be allowed outside between the hours of 9:00 pm and 6:30 am.

RESOLVED, that the Town of Lockport finds that the applicant has submitted substantial evidence to support the issuance of a special use permit for Paw Prints Animal Care Center. After thorough review of the documentation provided by the applicant, the Planning Board feels it has sufficient information to make an informed determination regarding the issuance of the special use permit, and be it further

RESOLVED, that it is the findings of this Board that Paw Prints Animal Care Center does not pose any significant adverse impact to the general public health, safety, and welfare. As such, the Board has determined that the special use permit shall be granted.

MOTION made by Member Wingard, seconded by Member Carlson to approve the following Architectural Design prepared by Wendel Engineering and direct the Chairman to certify. 5 Ayes, 0 Nays. Carried.

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

Name of Project: Paw Prints Animal Care Center

Building designs shall offer variation in building materials, architectural styles, roof lines, facade projections/ relief, and colors.	<i>The exterior of the building will be constructed of a metal panel. Stone finishes will be provided around the front entrance.</i>
Building designs shall offer architectural accents that compliment the design, such as windows, awnings, building/sconce lighting, etc.	<i>The building will consist of a projecting vestibule over the entrance with stone pillars and provide windows along the front facade.</i>
Building designs shall incorporate signage and landscaping that enhance overall appearance of the site and the building.	<i>Landscaping will be provided along the front of the building and within a parking lot island. No other landscaping will be provided on the site to enhance the view from Robinson Road. New building signage will be incorporated into a ground sign near the entrance.</i>
The building design shall offer an overall aesthetic enhancement to the Town.	<i>Considering that the location of this building is within a predominantly agricultural area, it is the Planning Board's findings that the character and scale of this building is appropriate for the neighborhood and will offer an overall aesthetic enhancement to the Town.</i>
Corporate signature styles or prototype buildings shall not be of paramount importance.	<i>This building does not include a corporate design.</i>
Site plans consisting of multiple buildings shall be designed so that the buildings form a well planned sense of place on the site and consist of compatible architectural styles.	<i>The site plan contains only one building.</i>

Architectural design shall give due consideration to local, commercial, industrial, and governmental architectural styles that existed during the historic development of Niagara County from the 1820's through the 1920's.	<i>The design incorporates modern design.</i>
Corporate logos, patterns, designs	<i>The building does not include any corporate logos or</i>

identifying details, colors, and/or shapes shall not be in conflict with the design criteria, except when incorporated into allowed signage, pursuant to Chapter 200, Article XXIV.	<i>designs.</i>
New or altered buildings shall not cause harmful effects such as impacts to public health and safety, decrease desirability of the neighborhood, or depreciation of property values, or reduce the opportunity for development in the surrounding area.	<i>This building will not cause harmful effects to public health and safety, decrease desirability of the neighborhood, reduce property values or reduce opportunity for development.</i>
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>The site is currently vacant, this will be a new building added to the site.</i>

And be it further,

RESOLVED, that the architectural design for the Paw Prints Animal Care Center, Janet Zehr, applicant, is hereby approved and the Chairman is directed to so certify.

MOTION made by Member Carlson, seconded by Member Kilroy to approve the site plan as in the following resolution. 5 Ayes, 0 Nays, Carried.

**TOWN OF LOCKPORT PLANNING BOARD
RESOLUTION**

RESOLVED that the Site Plan of Paw Prints Animal Care Center, Janet Zeher, applicant, dated March 6, 2012, be and hereby is approved for Phase I only pending ZBA approval for pond and engineering dated 4-7-12.

MOTION made by Member Carlson, seconded by Member Kilroy to adjourn. 5 Ayes, 0 Nays, Carried.