

TOWN OF LOCKPORT
PLANNING BOARD
January 16, 2013

PRESENT: Morris Wingard
Mark Kilroy
Rodney Conrad
Richard Forsey, Chairman
Walter Thorman
Robert Langdon
Scott Carlson

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

ABSENT: Thomas Grzebinski, Alternate

The January 16, 2013 Planning Board meeting was called to order at 7:00 pm by Chairman Forsey, who then led the Pledge of Allegiance.

CASE #1 **1000 Enterprise Drive – SBL #108.00-1-65 – Town of Lockport IDA – McGuire Group** – Proposing incubator building in 3 phases. Tabled at Work Session.

CASE #2 **5690 Locust Street Ext. – SBL #123.14-1-22.111 - Rosemary Badger – estate owner** – Tim Arlington of Apex Consulting presenting with Kristen Badger, heir – Proposing to subdivide 11.2 acres. Mr. Arlington stated the purpose is to make larger parcels for the existing property owners by adding on to the rear of their properties. Kristen Badger is representing the heirs to the property, there will be no frontage added as the intent is not to build more homes, except for on the one lot being transferred to Mr. Kowal. There is dedicated, but unimproved property that will have to be abandoned and the easements will have to remain for the sewer line to the mall. One large lot will be staying with the owners.

Chairman Forsey opened the Public Hearing.

Ronald Faulkner of 6330 Dorchester Road stated his back yard has a big clump of trees and wants to know what will happen to them. Mr. Arlington stated there were no plans for tree removal.

Dolores Cushman of 6308 Dorchester Road asked if the Rieger's are buying up the property behind her home. Mr. Arlington pointed out the area the Rieger's are buying on the map to her. Ms. Cushman asked if there will be roads added. Mr. Arlington stated the current owners are buying the property to make their lots

larger, there will be no utilities or roads added. Ms. Badger stated the remaining 7 acres the heirs are keeping, she hopes will not be developed.

Henry Visger of 5680 Locust Street Ext. questioned what was happening to the lots to the west. Mr. Arlington stated the Upson's are buying 3 and the Rieger's the other and one could have a house built on it.

Ms. Cushman asked if there will be an access road to New Castle and Mr. Arlington stated no roads are being built, it's strictly for land transfer.

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

Member Conrad asked if it is possible for the Board to put restrictions on the property being transferred, such as not allowing larger homes to be built or additional buildings on the property. Attorney Seaman stated this Board cannot put deed restrictions on. Senior Building Inspector Belson stated only one home is allowed on a lot. Attorney Seaman stated Lot #1 doesn't have enough frontage without a variance.

Ms. Cushman asked if there is any way a road will be put in the middle and was told no. Attorney Seaman stated the unimproved road that is there will be abandoned by the Town.

MOTION made by Member Carlson, seconded by Member Kilroy to determine that the action is an unlisted action under SEQRA. Based upon the information provided in the short form environmental assessment form, the Board determines the action will not have a significant adverse affect on the environment. 7 Ayes, 0 Nays, Carried.

MOTION made by Member Langdon, seconded by Member Carlson to approve the subdivision as depicted on the site location map dated 1-14-13 conditioned on lots being conveyed to adjacent owners, i.e.: with Lot 5 being purchased by Kristin E. Badger, Lot 4 to Margaret Badger, Lot 3 to Donald and Sharon Rieger, Lot 2 to Kowal's and Lot 1 to the owner to the South, Thomas and Joette Cascia, and further conditional on the existing Town water line running north being abandoned and capped at the improved highway, and further conditioned upon an easement being granted to the Town running east and west for the sewer line in the location shown on the map, prior to Town execution of the site plan of the map. 7 Ayes, 0 Nays, Carried.

CASE #3 **5737 S. Transit Road – SBL #123.13-3-2.21 – Lockport Partners, Owner - Withdrawn.**

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MOTION made by Chairman Forsey, seconded by Member Thorman to adjourn. 7 Ayes, 0 Nays, Carried.