

TOWN OF LOCKPORT  
PLANNING BOARD  
MAY 15, 2013

PRESENT: Morris Wingard  
Mark Kilroy  
Richard Forsey, Chairman  
Walter Thorman  
Robert Langdon  
Scott Carlson  
Thomas Grzebinski, Appointed Alternate

ALSO PRESENT: Brian Belson, Senior Building Inspector  
Michael Norris, Attorney  
Jane Trombley, Secretary  
Andrew Reilly, Town Engineer

ABSENT: Rodney Conrad

The May 15, 2013 Planning Board meeting was called to order at 7:00 pm by Chairman Forsey, who then led the Pledge of Allegiance.

Chairman Forsey appointed Alternate Member Grzebinski a full voting member due to the absence of Member Conrad.

Chairman Forsey opened the Public Hearing for 1010 S. Transit Road, Skyway Towers, LLC. Hearing no Public Comment, Chairman Forsey closed the Public Hearing.

Chairman Forsey opened the Public Hearing for 6179 S. Transit Road, Mike Basil. Hearing no Public Comment, Chairman Forsey closed the Public Hearing.

**CASE #1 1010 S. Transit Road – SBL #122.00-2-6 – Caminocasa, Inc., Owner Skyway Towers LLC, Matthew Kerwin, Hiscock & Barclay, presenting.** Proposing Verizon cell tower. Special Use Permit. Alternate Member Grzebinski asked Town Engineer Reilly if he saw any issues with the visual views. Town Engineer Reilly stated not really, but it is more visual then he expected it to be and screening is needed per code. This is in a heavily wooded area and there is also a fence with barbed wire. Town Engineer Reilly stated this is a Type I SEQRA and a full EAF was completed with no major impact shown in the documentation. The Town can assume lead agency as there are no other approved entities.

**MOTION** made by Member Thorman, seconded by Member Langdon:

**RESOLUTION**  
**SEQRA**  
**SKYWAYS TOWERS, LLC**

**WHEREAS**, in accordance with the Town Zoning Law and New York State SEQRA, it has been determined that this action is a Type I action; and

**WHEREAS**, the Planning Board has reviewed and considered the Full Environmental Assessment Form and completed Part II of the form; and

**WHEREAS**, the Planning Board has assumed the Lead Agency responsibility as the only approval agency for this action; and

**NOW THEREFORE, THIS BOARD FINDS AS FOLLOWS:**

The Town of Lockport Planning Board is the lead agency. This action is a Type I action pursuant to the State Environmental Quality Review Act. This Board finds that this action will not adversely affect the natural resources and environment of the State and/or health, safety and welfare of the public and is consistent with social and economic consideration and accordingly, directs that a Negative Declaration pursuant to SEQRA be issued.

7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Thorman, seconded by Member Kilroy:

**SPECIAL USE PERMIT  
RESOLUTION  
SKYWAY TOWERS, LLC**

**WHEREAS**, based on the Planning Board and its consultant's review, the Town has determined that the Tower is a permitted use in the B-2 district by Special Permit in accordance with Article XVII of the zoning code, and it meets all zoning requirements; and

**WHEREAS**, applicant has submitted the materials required under Section 200-113, and has shown that they have met the Special Permit criteria listed under Section 200-114; and

**WHEREAS**, having taken into consideration the scale of the proposed project and the possible impact on neighboring properties and all the criteria set forth in Town Code §200-137, and

**WHEREAS**, The Board has conducted a public hearing, and has issued a Negative Declaration under SEQR; and now therefore be it

**RESOLVED**, that the application appropriately sets forth the appropriate findings of this Board for a Special Use Permit and the findings are hereby adopted by the Board, and be it further

**RESOLVED**, that the Board further finds no adverse impacts that require mitigation caused by this Project and be it further

**RESOLVED**, that a Special Use Permit is hereby approved with the following conditions:

1. The Formal Site Plan shall be approved by the Planning Board and the Town Engineer.
2. The applicant shall submit to the Town all of the required information and agree to the conditions under Section 200-116 of the Zoning Law including:
  - Time limits on completion
  - Annual inspections and reports
  - Post installation Field Report
  - Proof of Insurance

7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Thorman, seconded by Member Wingard:

**RESOLUTION  
SITE PLAN APPROVAL  
SKYWAY TOWERS, LLC**

**RESOLVED**, that the site plan of skyway Towers, LLC is hereby approved.

**FURTHER RESOLVED**, final approval of site plan is subject to approval by the Town Engineer.

7 Ayes, 0 Nays, Carried.

**CASE #2**      **6179 S. Transit Road – SBL #138.00-1-25 – Mike Basil, Owner – William Wincott, Chamberlin Corporation, Presenting.** Proposing new Volkswagen

dealership. Special Use Permit. Senior Building Inspector Belson stated they have received Niagara County approval. Town Engineer Reilly stated some issues will have to be taken to the Zoning Board of Appeals, such as the 75 – 100' setback from the front property line that is required and parking along the front and side with a 25' setback is required that they won't be able to meet. Mr. Basil has a private access road to the property that he owns.

Member Wingard asked if the landscaping is adequate now. Town Engineer Reilly stated he would suggest some more island type landscaping.

**MOTION** made by Member Thorman, seconded by Member Langdon:

**TOWN OF LOCKPORT  
RESOLUTION**

**WHEREAS**, a Short Environmental Assessment form having been prepared and filed by the Town of Lockport, relative to 6179 South Transit Road, the proposed Basil Volkswagen, Mike Basil, 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.  
7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Thorman, seconded by Member Wingard:

**ARCHITECTURAL AND DESIGN  
RESOLUTION**

**BASIL VOLKSWAGEN  
APPLICANT, MIKE BASIL**

**NOW THEREFORE BE IT RESOLVED**, that based upon the Planning Board review of the proposed project's site plan, the input received

from the Planning Consultant and taking into consideration those criteria set forth in Town Code § 53-8, the Board finds:

- 1) That the overall architectural design including architectural colors, styles, signage, and landscaping in relation to architectural design and character of the surrounding area and the buildings contained therein are all compatible with and contribute to the overall areas of the Town of Lockport and the Transit Road corridor.

**ACCORDINGLY**, the Planning Board hereby approves the design as submitted and directs the issuance of a Certificate of Approval by the Chairman.

7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Thorman, seconded by Member Grzebinski:

**SPECIAL USE PERMIT  
RESOLUTION**

**BASIL VOLKSWAGEN  
APPLICANT, MIKE BASIL**

**NOW THEREFORE BE IT RESOLVED**, that having taken into consideration the scale of the proposed project and the possible impact on neighboring properties and all the criteria set forth in Town Code § 200-137, the Board finds:

- 1) That the letter dated May 9, 2013 submitted by D.R. Chamberlain Corporation, William H. Wincott, President, sets forth the appropriate findings of this Board for a Special Use Permit purposes and the findings are hereby adopted by this Board, and

**BE IT FURTHER RESOLVED**, that the Board further finds no adverse impacts that require mitigation caused by this Project, and

**BE IT FURTHER RESOLVED**, the Special Use Permit is hereby approved.

7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Thorman, seconded by Member Wingard:

**TOWN OF LOCKPORT PLANNING BOARD  
SITE PLAN RESOLUTION**

**BE IT RESOLVED**, that the site plan of Basil Volkswagen, Mike Basil, applicant is hereby approved and this approval is conditioned on the following:

1. An amended landscape Plan is submitted depicting the inclusion of landscaped islands between the trees across the front of the site. With this mitigation, the Planning Board waives the requirement for landscaped islands within the parking lot, and the 25 foot front yard setback for parking, and final Engineering approval, and submission of final site plan to Town.

7 Ayes, 0 Nays, Carried.

**CASE #3**      **6865 S. Transit Road – Watson Properties, Owner - Mantelli Trailer Sales –**  
Proposing site expansion of existing business. Special Use Permit. Jim Klino presenting. Mr. Klino stated the project will be done in 3 phases, one after the other. Phase I will be the property to the south with green space and moving the front entrances. They would like to decrease the 30' required green space by reworking the ditches, keep them mowed and use it as part of the required frontage.

Phase II will be an 18,000 square foot building for sales and maintenance that will have pull through parking spaces with gates around them and a retention pond with green space around it. Member Wingard asked if this will be connected to the current building and Mr. Klino stated no, that will be torn down and only the back building will remain. There will be a canopied area in between the buildings.

Phase III will be finishing off the area with stone for the extra inventory. Chairman Forsey asked if the area will be fenced. Mr. Klino stated only on one side. Member Kilroy asked what the timeline will be. Mr. Klino stated probably within 18 months. Mr. Klino stated the drainage in the back is already functional and works, so he doesn't want to mess with the drainage there. Where the building is taken down will be replaced with asphalt. Mr. Klino stated the runoff from the buildings will be on perbeus concrete that will flow underground and into ditches. Member Wingard asked what perbeus concrete is and Mr. Klino stated it is basically concrete with more aggravate, less concrete and allows the water to flow through immediately. It doesn't heave and will have a 12" stone base and has been approved for storm water. Mr. Klino stated they will have to put water into the pond as they want a park like setting and they don't want to put trees in front to block the view, they would like low greenage.

Member Wingard asked if there is currently only one entrance. Mr. Klino stated yes, 175' that they are replacing with two 48' wide entrances, one on the north side of and one in the center of the property. Mr. Klino said they would like to rework the ditch to make it look nice and keep it mowed.

Mr. Klino stated they won't need intense lighting with the perbeus concrete and the lot lighting will go around the back and front and in the southeast and southwest corners.

Member Kilroy asked if there will be a new sign. Mr. Klino said probably like a dealership sign, but it hasn't been selected yet.

Member Grzebinski asked if there are any issues with putting in the entrances. Town Planner Reilly said it has to be coordinated with the DOT.

Mr. Klino showed a rendering of the proposed building. Member Langdon feels it is an improvement.

Member Kilroy asked if there are two canopies. Mr. Klino stated yes, one by parts and service and one by the showroom.

Mr. Klino said they would like to have low growing plantings along the front, not trees. Town Planner Reilly stated B1 zoning usually requires screening. Mr. Klino stated back where the storage is will be screened.

Member Carlson stated the colors are what we are looking for.

**MOTION** made by Member Grzebinski, seconded by Member Langdon to set a Public Hearing for June 18<sup>th</sup> at 7:00 pm. 7 Ayes, 0 Nays, Carried.

**CASE #4**     **4907 IDA Park – SBL #108.00-1-60 – Custom Leasing (Custom Laser), Owner – Anthony Bodami, Applicant** – Proposing reuse of existing building. Site Plan Approval. Trevor Torcello presenting. Town Planner Reilly noted that Wendell Engineering did the original survey for this project as well as the updated survey, but not the design. Mr. Torcello stated this is a demolition and remediation business and the site will be used for office space, storage of equipment and repairs to the equipment. There will be no scrap or debris on the site and only empty truck body containers will be stored there.

Member Carlson asked if anything that is remediated will be brought back to the site. Mr. Torcello stated no.

Town Planner Reilly noted that town law requires outdoor storage is to be fenced and screened, and it will be.

Mr. Torcello stated the parking lot will only be for employee vehicles and the office space and repair and service of construction equipment will be in the back with the storage of the construction equipment. Member Wingard asked how many employees will there be. Mr. Torcello stated 3-5 on site.

Member Langdon asked how much traffic in and out. Mr. Torcello stated not more than 20 in a day.

Mr. Torcello stated there are energy conservation measures, but nothing unique and there is an oil/water separator that probably would only be used a couple of times a year.

The Board requested screening with vinyl slats in the fencing and there will be landscaping along the front.

Member Grzebinski asked how high the fence will be. Senior Building Inspector Belson stated 6'.

**MOTION** made by Member Kilroy, seconded by Member Carlson:

**RESOLUTION**

**BODAMI - 4907 IDA PARK DRIVE**

**BE IT RESOLVED**, that a Public Hearing is hereby waived for Site Plan approval. 7 Ayes, 0 Nays, Carried.

Member Thorman questioned if the site will be large enough for what is being stored there. Mr. Bodami stated he believes it is sufficient as he has no desire to have equipment out as it becomes a security issue.

Member Kilroy asked what will be stored there. Mr. Bodami stated about 10 pickups, 2 or 3 skid loaders, 3 excavators, 1 caterpillar a 40 yard roll off, a low boy trailer, a semi and a small dump truck. Chairman Forsey stated he feels 200' by 110' would be better. Mr. Bodami stated that will be fine.

**MOTION** made by Member Carlson, seconded by Member Kilroy:

**SEQRA RESOLUTION**

**ANTHONY BODAMI**

**4907 IDA PARK DRIVE**

**NOW THEREFORE BE IT RESOLVED**, that based upon the review and completion of the GIS Findings Form created for the Town of

Lockport IDA Park and input received from the Planning Consultant, the Lockport Planning Board does hereby determine that the project is in conformance with the GIS Findings issued for the Town of Lockport IDA Park and that no SEQRA action is required. 7 Ayes, 0 Nays, Carried.

**MOTION** made by Member Carlson, seconded by Member Wingard:

**RESOLUTION**

**BODAMI - 4907 IDA PARK DRIVE**

**BE IT RESOLVED**, that the site plan of Anthony Bodami to use the property located at 4907 IDA Park Drive for a contractor's storage and repair of contractor's equipment and outside storage yard is hereby approved and this approval is conditioned upon:

1. The storage area located in the rear of the building shall be constructed in the area shown on the survey and be fenced, screened, requiring vinyl slated, and suitably landscaped. The plan submitted depicting this fencing, screening and landscaping, is subject to final Engineering and building Inspector approval.
2. No outside storage shall be allowed in any other areas of the site, except as permitted above by Condition #1.
3. The parking lot shall only be used for employee parking and not for equipment or other materials.
4. Storage of materials in the prescribed area shall only include the following materials, which were stated by the Applicant:
  - Including excavators and construction machine equipment
  - Containers shall remain empty
5. No construction debris, junk, trash, contaminated or waste materials shall be allowed on the site.
6. 200 x 110 fenced in storage area.  
7 Ayes, 0 Nays, Carried.

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The Planning Board meetings will be moved to the 3<sup>rd</sup> Tuesday of the month beginning in June, 2013.

**MOTION** made by Member Thorman, seconded by Member Grzebinski to adjourn. 7 Ayes, 0 Nays, Carried.