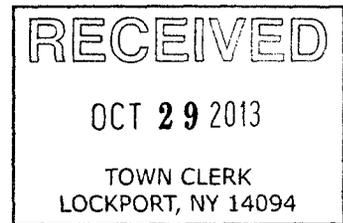


TOWN OF LOCKPORT
PLANNING BOARD
September 17, 2013



ENTERED
11/7/13 MB

PRESENT: Morris Wingard

~~Mark Kilroy~~ *WALTER THORND* *Approved 10/8/13*

Richard Forsey, Chairman

Robert Langdon

Rodney Conrad

Scott Carlson

ALSO PRESENT: Brian Belson, Senior Building Inspector

Michael Norris, Attorney

Jane Trombley, Secretary

ABSENT: Thomas Grzebinski, Alternate

The September 17, 2013 Planning Board meeting was called to order at 7:00 pm by Chairman Forsey, who then led the Pledge of Allegiance.

CASE #1 6865 South Transit Road – SBL #167.01-1-3 – Watson Properties, Mantelli Trailer Sales. Tabled.

CASE #2 IDA Drive – SBL #108.00-1-34.211 – Yahoo Inc. Orest Ciolko, Wendel Companies presenting with Gregg Percich of PKGB and Paul Bonaro of Yahoo. Proposing Data Center expansion. Site Plan approval, Niagara County Planning Board approval required. Variances have been approved for setback and height of structure.

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

Attorney Norris noted that SEQRA was approved for this site on January 17, 1984, with the Town of Lockport IDA as the lead agency and any further development of this site has to follow those guidelines. Attorney Norris stated the Board members had each received a Supplemental Findings Statement Project Evaluation Form for Individual Projects over a week ago and the findings have also been discussed at the Workshop on September 10, 2013. A letter was received from Timothy Arlington of Apex Consulting, who is the Town Engineer for this project, dated September 13, 2013 recommending no further review is required, received as "Exhibit 1". Attorney Norris noted the site does not contain any Federal or State wetlands. Attorney Norris discussed the highlights of the SEQRA findings including:

1. Land Resources – There may be some blasting with no significant impacts to land resources.

2. Air Quality – There will be no significant impact to air quality.
3. Traffic – There will be no significant traffic impacts.
4. Land Use – Complies, with two variances previously issued for setback and height limits.
5. Sanitary Sewer – In 1998 a new 8” diameter force main was constructed and will provide sufficient capacity for future development within the Lockport Industrial Park.
6. Visual Resources – No significant noise impacts.
7. Energy – Efficient, no significant impact.
8. Unavoidable and Irreversible impacts – none.
9. Thresholds – traffic, not expected to be over limit.

MOTION made by Member Carlson, seconded by Member Langdon:
BE IT RESOLVED THAT:

Having reviewed the Proposed Supplemental Findings Statement and after considering the Generic Environmental Impact Statement for the Town of Lockport Industrial Park,

This Board finds:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigation measures which were identified as practicable.

6 Ayes, 0 Nays, Carried.

Attorney Norris stated Tim Arlington of Apex Consulting stated in a letter dated September 16, 2013 and received as Exhibit “2”, that all the concerns have been addressed and recommends final site plan approval and the Niagara County Planning Board had met Monday evening and he believes gave approval, even though he has not received an official notification yet. Attorney Norris had a prepared Site Plan Review Resolution. Member Conrad asked if the reading could be waived as everyone has a copy. No objections to waive the reading.

Member Conrad asked Mr. Arlington if he has a contractual relationship with Wendel Engineering. Mr. Arlington stated no, he has a relationship with the Town Board to provide the service.

MOTION made by Member Langdon, seconded by Member Wingard to approve the following Site Plan Review:

YAHOO! INC. BF2

SITE PLAN REVIEW RESOLUTION

BE IT RESOLVED:

A Public Hearing has been held and this Board having reviewed the Application for Site Plan Approval, for the construction of a 242,000 square foot expansion of the existing Yahoo! Inc. data storage center in the Town of Lockport Industrial Park the expansion consisting of 12.99 acres, located at 5365 Crown Drive, Town of Lockport, IDA Park, between Lockport Junction Road and IDA Drive, and having considered the criteria set forth in Town Code Section 200-128, the Board makes the following findings (findings are broken down, where applicable, utilizing the listed criteria of Section 200-128):

1. **Whether this project is in conformance with all provisions and requirements of this chapter, adopted Town development plans, an approved development plan that includes the subject site, if one exists, and all other applicable laws.**

Findings : Yes. The site plan as submitted is in conformance with all of the above.

2. **Whether this project is compatible with the natural features of the land and the environmental attributes of the site.**

Findings : Yes. The site is zoned Industrial. Sufficient infrastructure exists on the site to support the project. The project is within Town requirements for greenspace and percentage of lot developed, and maintains the natural features of land in the open areas.

3. **Whether the general layout and design of buildings, lighting, signage, open space and development features of this project are consistent with reasonable planning principles.**

Findings : Yes. The buildings are laid out to take maximum advantage of wind currents to reduce electric consumption. The lighting plan protects against off-site light spillage. Signage is minimal and the site layout conforms to the Town Master Plan and Zoning Code.

4. **Whether the location and design of vehicular entrances/exits, including emergency access and fire lanes, in relation to the street system, traffic circulation and control within the site, are appropriately coordinated with the access points and circulation of adjoining properties.**

Findings : Yes. Two access points are established for the Yahoo! Complex. The BF1 access on Enterprise Drive remains isolated from any other property. The BF2 access point on Crown Drive is located near two existing IDA businesses. Provisions are adequate for traffic circulation near the Crown Drive access point. Provisions are adequate for emergency access. The BF2 single parking lot may be accessed from the Crown Drive access point or by an access road around the BF1 existing building and this expansion presents no circulation issues.

5. **Whether this project makes appropriate provision for, and incorporates appropriate protection of, pedestrian movement on the site and coordinates pedestrian movement with adjoining properties and the street system.**

Findings : Yes. There are no pedestrian movements between non-Yahoo! properties or the street system. The only pedestrian movements will be the movement of employees, from the parking lot to the Core Operations (BF2) Buildings. A pedestrian sidewalk will be installed from the back door of the BF1 Building to the front door of the BF2 Building and run parallel to the parking lot on its south side. Further, employees will be able to use this sidewalk to walk from the parking lot.

6. **Whether this project incorporates appropriately located and sufficiently adequate parking, loading and stacking areas, including the provision of opportunities for handicapped parking.**

Findings : Yes. Sufficient parking is provided for employees and visitors to the site. Handicapped parking will be provided.

7. **Whether this project incorporates appropriate provisions for landscaping, screening and buffers which complement development and protect adjacent uses from unsightliness, noise, glare and other nuisances. Further, whether this project effectively uses said elements to promote the availability of green space so as to avoid a continuous paved or built environment.**

Findings : Yes. The site is landscaped with trees surrounding the buildings as depicted on the site plan. Noise levels will meet code standards. The site is landscaped with 50% open space, which will be mowed and will incorporate a large number of trees.

8. **Whether this project incorporates adequate provisions for drainage and storm water management facilities.**

Findings : Yes. Engineer review of the drainage plan has been undertaken. The drainage plan is adequate for New York State Storm Water Management Standards.

9. Whether this project incorporates adequate sewer and water facilities, fire protection and conforms with Town regulations for the provision and construction of those services.

Findings : Yes. Sewer water and fire protection have undergone Town Engineer review and meet Town standards.

10. Whether there is concurrence regarding this project between Town agencies, the New York State Department of Transportation, New York State Department of Environmental Conservation, and other county or state agencies, as appropriate.

Findings : Yes. A Generic Environmental Impact Statement has been prepared for the Industrial Park with a Findings Statement. Supplemental Findings Statement, was prepared and reviewed by the Town's Consulting Engineer. The Town Industrial Development Agency found that no further review was required and made appropriate findings. The Board accepts the Supplemental Findings Statement of the Industrial Development Agency.

11. Whether this project adequately addresses each element required to be addressed in site plans pursuant to this chapter.

Findings : Yes. All site plan elements have been addressed in a thorough manner.

6 Ayes, 0 Nays, Carried.

AND BE IT FURTHER,

RESOLVED, based upon said findings, and the standards set forth in Town Code Section 200-128 (A-K) and required improvements set forth in Town Code Section 200-129 (A-G), and overall review of the Site Plan, and after review by the Town's Consulting Engineer by letter dated September 9, 2013 for this Project, the Site Plan's Review Comment Response Letter by the applicant's engineers dated September 13, 2013 and recommendation of final approval by the Town's Consulting Engineer dated September 16, 2013, the final Site Plan, as submitted, is hereby approved.

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MOTION made by Member Conrad, seconded by Member Langdon to adjourn. 6 Ayes, 0 Nays, Carried.