

TOWN OF LOCKPORT  
PLANNING BOARD  
October 21, 2014

PRESENT: Adam Tyson  
Morris Wingard  
Rodney Conrad  
Marie Bindeman, Appointed Alternate  
Robert Langdon  
Richard Forsey, Chairman

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

ABSENT: Thomas Grzebinski  
Scott Carlson

The October 21, 2014 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 Bindeman a full voting member due to absences.

**CASE #1**      **4040 Lake Avenue SBL#81.04-1-21.2** – Tomaino Family Trust (Owners).  
Proposing self-storage units in a B2 zoning district. Requesting site plan approval, special use permit. Tim Arlington of Apex Consulting presenting. Mr. Arlington stated three storage units were put in from 2010 to 2012 (Phase I) and now they are working on adding more. Early this year, Phase II was approved by this Board. However, due to the expensive capital costs for Phase II, it was more feasible to purchase additional property and seek approval now from the Board to place storage units on this additional property instead. This new request is now being considered Phase III. As part of Phase III, Mr. Arlington stated these buildings will be slightly smaller as the site is smaller, but will have the same entrances and setbacks. The drainage will be collected around the perimeter of the buildings and there will be catch basins. Landscaping and lighting will be similar to the previous with fencing on the site. Mr. Arlington stated the short form of SEQRA is done.

Chairman Forsey opened the Public Hearing.

Member Conrad asked how tall the trees will be. Mr. Arlington stated 6' high and the buildings are shorter and are also screened by the buildings in the front.

Member Wingard asked about the color and structure of the buildings. Mr. Arlington stated the same as the front, they will look like a continuance of the front.

Senior Building Inspector Belson stated the project had received Niagara County Planning Board approval yesterday, with the stipulation that the properties be combined. Attorney Norris asked Mr. Arlington if the properties are being combined and Mr. Arlington stated they have to because of the entrance.

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

Attorney Norris read the impact assessment, with the Board weighing all questions, and determining that each question should be answered "No, or small impact"

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?
2. Will the proposed action result in a change in the use or intensity of use of land?
3. Will the proposed action impair the character or quality of the existing community?
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
7. Will the proposed action impact existing:
  - a. Public/private water supplies?
  - b. Public/private wastewater treatment utilities?
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
11. Will the proposed action create a hazard to environmental resources or human health?

Attorney Norris stated that he recommends to the Board the adoption of the SEQRA findings and direct the Chairman to sign.

**TOMAINO FAMILY TRUST SEQRA RESOLUTION:**

**WHEREAS**, a Short Environmental Assessment form (Part 1) having been prepared and filed by the Applicant or his designee, relative to 4040 Lake Avenue, Lockport, New York 14094, the expansion for Tomaino Self Storage, Tomaino Family Trust, applicant, and this form being reviewed and considered; and

**WHEREAS**, the proposed project has been determined to be an unlisted action under SEQRA; and

**WHEREAS**, the Lockport Town Planning Board, in accordance with State Environmental Quality Review ACT (SEQRA) has reviewed, considered and determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations, based its review of Part 1 and completion of Parts 2 and 3 of the EAF;

**NOW, THEREFORE, BE IT RESOLVED**, that the Lockport Town Planning Board hereby determined that the proposed project is not anticipated to result in any significant adverse environmental impact and issues a Negative Declaration (authorizing the attached short EAF to act as the SEQRA Negative Declaration in accordance with recent SEQRA amendments), and the Chairman of the Town Planning Board is authorized to sign the EAF.

**MOTION** made by Member Conrad, seconded by Member Langdon to approve the SEQRA findings. 6 Ayes, 0 Nays, Carried.

**MOTION** made by Member Conrad, seconded by Member Langdon to waive the reading and adopt the following Special Use Permit Amendment. 6 Ayes, 0 Nays, Carried.

**SPECIAL USE PERMIT AMENDMENT RESOLUTION:**

**WHEREAS**, on April 14, 2010, the Town Planning Board granted a Special Use Permit for the Tomaino Real Estate Appraisal and Storage Unit Project and granted an Amendment to this Special Use Permit in January, 2014; and

**WHEREAS**, Gerald Tomaino, on behalf of the Tomaino Family Trust, has applied for an amendment of the Special Use Permit granted on April 14, 2010 and amended in January, 2014 by the Town Planning Board to construct an

additional 9,000 square feet of storage unit buildings, asphalt driveways to service units, and a storm water management area;

**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 proposed attached findings dated September 2014 submitted by Apex Consulting Survey & Engineering Services, P.C., Timothy W. Arlington, sets forth the appropriate findings of this Board for amending the Special Use Permit granted on April 14, 2010 and amended in January, 2014 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 dated April 14, 2010 and amended in January, 2014 is hereby further amended to allow the aforementioned required expansion and improvements for Phase III.

Town Planner Reilly noted that the other three buildings that have been previously approved in Phase II, but not built yet, will need a new site plan approval.

**MOTION** made by Member Conrad, seconded by Member Langdon to accept the following:

**ARCHITECTURAL AND DESIGN RESOLUTION:**

**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 South 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. 6 Ayes, 0 Nays, Carried.

**MOTION** made by Member Wingard, seconded by Member Langdon for the following site plan approval:

**BE IT RESOLVED**, that the site plan titled Proposed Self Storage Plan for Gerald Tomaino (on behalf of Tomaino Family Trust), applicant as submitted by Apex Consulting Survey & Engineering Services P.C. dated September 2, 2014, is hereby approved and this approval is conditioned on the following:

1. Final Town Engineer approval.
  2. Subject to Variance being granted by the Town of Lockport Zoning Board of Appeals for front setbacks.
  3. The lots will be joined under single ownership.
- 6 Ayes, 0 Nays, Carried.

Town Planner Reilly stated he will do an educational session next month if people are interested, at the work session or the meeting. Let him know.

The Public Hearing on the Town Comprehensive Plan will be at 7:30 pm on November 5, 2014.

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