

TOWN OF LOCKPORT
PLANNING BOARD
September 15, 2015

PRESENT: Tyler Ray, Appointed Alternate
Morris Wingard, Acting Chairman
Rodney Conrad
Marie Bindeman
Robert Langdon
Thomas Grzebinski

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

ABSENT: Richard Forsey, Chairman
Adam Tyson

The September 15, 2015 Planning Board meeting was called to order at 7:00 pm by Acting Chairman Wingard, who then led the Pledge of Allegiance. Due to absences, Chairman Wingard appointed Alternate Ray a full voting member.

The August 18, 2015 minutes were approved at the work session.

CASE #1 6233 Transit Road – SBL#138.00-1-18.1 – Noco properties, owner. Proposing convenience store and gas station expansion. Required approvals are Site Plan, Special Use Permit, Architectural Review, Niagara County Planning Board. Tabled until October meeting.

CASE #2 5967 Robinson Road – SBL#137.02-1-18 – 5967 Robinson Road LLC, owner. Proposing to build a 7000 square foot addition on KI-PO Motors. Required approvals are Site Plan, Architectural Review, Niagara County Planning Board. Representative from F. J. Wailand Associates presenting.

The representative stated there are two open items, one is the landscaping along the south portion of the lot and they will be putting 4 locust trees and 2 mulch beds there. The other open item is the color and they have chosen ash gray and Cherokee red. Town Planner Reilly asked if there is an architectural rendering available and it was handed out with the Cherokee accents on top of the gray building with a flat roof.

Town Planner Reilly asked if there will be cars parked out front in the green area, as they are not shown on the plan. The representative stated no, they will not.

Chairman Wingard asked if the green space is 18' wide and he was told, that is correct. Mr. Belson informed the Board that County Planning Board approval was obtained.

MOTION made by Member Conrad, seconded by Member Langdon to waive a Public Hearing as this project is only an expansion. 6 Ayes, 0 Nays, Carried.

SEQRA material read by Attorney Norris with all items showing no or small impact.

MOTION made by Member Langdon, seconded by Member Bindeman:

Whereas, 5967 Robinson Road LLC, through James Allen Rumsey Architect, has submitted complete applications for Site Plan approval for the expansion of the Ki-Po building located at 5967 Robinson Road, Lockport, NY 14094, and

Whereas, the Lockport Planning Board, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed Ki-Po Expansion project is an unlisted action, 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 on information provided by the applicant, and completion of Parts 1, 2 and 3 of the EAF.

Now, Therefore, Be is Resolved, that the Lockport Planning Board hereby determines that the proposed Ki-Po expansion project is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued and the Planning Board chairman is authorized to sign the EAF. 6 Ayes, 0 Nays, Carried.

Member Conrad questioned the necessity of reading all the SEQRA EAF Part II questions. Attorney Norris told the Board that it must take a hard look at them and suggests that they be read and considered on the record each time. Member Conrad would prefer not to have them read each time. Town Planner Reilly stated he will try to get the Part II of SEQRA with recommended responses to the Board members ahead of time.

MOTION made by Member Conrad, seconded by Member Grzebinski for the Architectural Review Resolution:

Whereas, The Planning Board has reviewed the architectural design of the project in accordance with Chapter 53 of the Code of the Town of Lockport, received input from the Town's Consultant and finds the proposed project in accordance with the Town's architectural requirements, and

NOW THEREFORE BE IT RESOLVED, that based upon the Planning Board review of the proposed project's site plan and architectural renderings, 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.

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 Langdon, seconded by Member Bindeman for the site plan review resolution:

Whereas, the Planning Board and its consultant have reviewed the Ki-Po Expansion project against the Town's Site Plan requirements found in Article XVIII, and found the project in accordance with these requirements, and based on this review have not noted any potential public health and safety issues, and

Whereas, in accordance with the State Environmental Quality Review Act, the Planning Board has issued a Negative Declaration,

Whereas, the Planning Board has reviewed the Commercial Corridor Overlay District requirements for the project pursuant to Article XV of the Town Code and find that all requirements are met except for, all of which are pre-existing and not caused by the proposed expansion project:

1. 25% open space and 75% of that 25% needs to be in the front of the building
2. Front yard and side yard setbacks for parking
3. No landscaping in the parking lots
4. At least one building located between 75 and 100' from the road (front setback)
5. Building setback (existing) 75' from the road (Lockport By-pass – 69');

Now Therefore be it Resolved, that the Town of Lockport Planning Board approves the Site Plan, in accordance with Article XVIII of the Code of the Town of Lockport, for the Ki-Po Expansion project at the proposed location with the following conditions and determinations:

1. Based on the review of the Town's CCOD requirements, the Planning Board has determined that the strict adherence to certain requirements in the CCOD would present extreme difficulties to the applicant and that varying these

requirements would not alter the intent and purpose of the district so the 25% open space, front yard and side yard setbacks for parking, no landscaping in the parking lot requirements, front setback and building setback, as described above, are hereby varied as permitted by Section 200-93(C).

2. The Final Site and Landscaping Plan must be approved by the Town Engineer.

6 Ayes, 0 Nays, Carried.

CASE #3 **4922 IDA Park Drive, SBL#108.00-1-55 – JNR Magnetics LLC, owner.**
Proposing to build a 15,000 square foot building. Required approval is Site Plan. Tabled until October.

CASE #4 **7154 Chestnut Ridge Road, SBL#110.00-1-11, REL, LLC, owner.** Proposing Verizon Cell Tower. Zoned B-1, required approvals are Use Variance, Site Plan, Special Use Permit. Josh Silver, Esq. of Murray Law firm, for Verizon presenting. Mr. Silver stated he presented an application for a 195' tower 2 weeks ago at the work session and there was a question about lighting the tower and if they will be in the path of Mercy Flight. Lighting is not required but with it being in the path of Mercy Flight they would put up solid LED lighting.

Mr. Silver stated they would like to do photosets, a photo of what the tower will actually look like and schedule a balloon test for as soon as they can. Mr. Silver stated they would like the Town to identify any specific vantage points they would like it done from.

Member Grzebinski inquired why the address that is referenced on the plans is 7310, instead of 7154 Chestnut Ridge Road. Mr. Silver stated there are different addresses on the site plan, but the parcels are owned by the same owner.

Mr. Silver confirmed that the tower has to stay 150' from an existing building.

Town Building Inspector Belson stated they need several variances and will have to go to several boards to get them. Senior Planner Reilly stated SEQRA has to be done first, then the use variance and this will take a few months.

Member Grzebinski questioned if there isn't a better site for this project such as Terry's Corners Fire Company. Senior Building Inspection Belson stated that there is a County tower on the fire company's property and they may not share services for towers.

Mr. Silver stated they do a search range and identified potential sites and found the most appealing one to be in a residential zone. This applied for site was the

second choice. However, he was unable to say why this applied for site was picked. Mr. Silver offered to have their RF expert come to the next meeting and explain why and how certain sites were selected and considered.

Member Grzebinski asked if the reason they didn't take the 1st choice was financial. Senior Building Inspector Belson stated, no it was in a Residential zone.

Member Grzebinski asked if the tower would be allowed in an Agricultural (A) zone and Town Planner Reilly stated yes. Senior Building Inspector Belson stated properties to the south are R1, which is owned by the applicant and to the east is Agriculture Residential (AR).

Member Grzebinski asked if a tower was placed in an Agricultural (A) District near Dysinger whereabouts would that go, and Senior Building Inspector Belson stated the Agricultural area in the Dysinger area is on the south side of Dysinger Road, east of Wynkoop Road.

Member Grzebinski asked if Mercy Flight will sign off. Mr. Silver said yes. Senior Building Inspector Belson stated he is waiting for a call back.

Member Conrad asked how many neighbors need to be notified. Attorney Norris stated 1,000' from property line.

Town Planner Reilly noted that the Public Hearings aren't held until later but maybe a Public Information meeting could be held to get input from the neighbors, and the notice could be put into the newspaper.

Chairman Wingard asked if anyone wanted to comment.

David Marotta asked when the full environmental impact study would be done. Town Planner Reilly stated after a SEQRA decision is made, if this is the best solution and then the residents will be able to review the information. Mr. Marotta asked if they will have time to review the information and Town Planner Reilly stated yes. Mr. Marotta stated he doesn't want to stop progress, but has many questions and feels there are many issues to be addressed.

MOTION made by Alternate Ray, seconded by Member Langdon to establish the Town of Lockport Planning Board as the lead agency. 6 Ayes, 0 Nays, Carried.

CASE #5 **5568 Davison Road – SBL#123.04-2-38 – Gooding Printing Company, owner.**
Proposing to build a 10, 070 square foot addition. Project was approved on

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November 12, 2013 for 15,000 square foot addition. Seeking to amend the Site Plan. Approved at 9-1-15 work session.

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