

**TOWN OF LOCKPORT
PLANNING BOARD
October 20, 2015**

PRESENT: Richard Forsey, Chairman
Robert Langdon
Thomas Grzebinski, II
Adam Tyson

Morris Wingard
Marie Bindeman
Rodney Conrad
Tyler Ray, Alternate

ALSO PRESENT: Brian Belson, Building Inspector
Ellen Parker, Wendel Engineering
Judi Newbold/Acting Secretary

Mike Norris, Town Attorney
Thomas Keough, Council Liaison

The October 20, 2015 Planning Board Meeting was called to order by Chairman Forsey at 7:00pm followed by the Pledge of Allegiance.

The September 15, 2015 minutes were approved at the Work Session on October 6, 2015.

CASE #2 **6233 Transit Rd (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.

CASE #3 **7150-7154 Chestnut Ridge Rd (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. Tabled.

CASE #4 **4922 IDA Park Dr (SBL 108.00-1-55) JNR Magnetics LLC, owner.** Proposing to build 15,000 square foot building. Required approval is Site Plan. Withdrawn.

CASE #5 **5549 Davison Rd (SBL 123.04-2-43) Mulvey Construction Inc., owner.** Proposing to build 2146 square foot hair salon in a PUD Zoning District. Required approvals are Site Plan and Niagara County Planning Board, Architectural Review. Received Town Board approval for lot frontage of 100 feet September 2, 2015. Representative Tim Arlington, Apex Engineering.

Since the work session, Mr. Arlington met with Brian Belson, Senior Building Inspector, Mike Norris, Attorney and Rob Klavoon, Town Engineer regarding the minor changes necessary to parking and the storm water management. Amendments were made to add additional parking and to devise an above ground storm water management system, which will require a storm sewer public improvement to be implemented into this plan. He reported the building is consistent with the existing buildings in the business park with a very favorable façade. The only other amendments in the plan include the storm drains and a detention pond, which will have an outlet to a storm sewer system quite a bit south (850 feet). The lighting is favorable to the area and the utilities services exist, they just need to be connected.

At this point Mr. Forsey opened the Public Hearing for comment, there was none. The public hearing was closed.

Member Conrad questioned why the foundations were moving forward before the approvals were finalized. Brian Belson stated as soon as the Town was aware, a stop order was issued and the work halted immediately.

Chairman Forsey inquired if there were any additional questions, to which Member Grzebinski asked what is the normal width allowed for parking spaces. Member Conrad stated it was nine feet per space. Member Grzebinski inquired as to how many spaces they plan to have on the east side. Mr. Arlington stated it would be seven spaces.

Attorney Norris added this is a Type II action under SEQR and received Niagara County Planning Board approval.

Mr. Forsey asked if there were any questions regarding the design of the building. None were presented. At this point a **MOTION** was made by Member Conrad, seconded by member Langdon to approve the following Architectural and Design Resolution:

WHEREAS, Tim Mulvey has submitted and application for Architectural review for construction of a 2,146 square foot hair salon building located at 5549 Davison Road, Lockport, New York, SBL No. 123.04-2-43.

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.

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.

Member Conrad questioned if there will be a fence around the detention pond. Mr. Arlington stated there would not be a fence as there is no water in the pond.

At this point a **MOTION** was made by Member Wingard, seconded by Member Conrad to approve the Site Plan Resolution before them. An amendment to the resolution was made by Member Grzebinski, seconded by Member Bindeman to correct the date of the receipt of the Site Plans to October 12, 2015. Resolution carried, Ayes 7, Nays 0. The Amendment carried, Ayes 7, Nays 0.

WHEREAS, a Site Layout Plan for the construction of a 2,146 square foot building for Tim Mulvey, owner, located at 5549 Davison Road, Lockport, New York 14094, as submitted by Apex Consulting Survey & Engineering Services, P.C. dated October 12, 2015, respectively has been submitted to the Planning Board for review, now therefore be it

RESOLVED, that the site plan of Tim Mulvey for construction of a 2,146 square foot hair salon building is hereby approved and this approval is conditioned on the approval of the Town Engineer and all Town Engineer recommended changes.

CASE #6 **5589 Davison Rd (SBL 123.04-2-40), I II III Generations LLC, owner.**
Proposing 3840 square foot addition on east side of existing building. Required approvals are Site Plan, Architectural review. Representing Tim Arlington, Apex Consulting Survey & Engineering Services, P.C.

Mr. Arlington explained the business is actually called A & A Beauty, that I II III Generations LLC, is the Corporation that owns it. He proceeded to tell the Board the addition is in the rear of the building, 45 X 80, on a paved area that has already been disturbed. Also, he informed the board that two weeks ago the biologist from the DEC regulatory committee stated that although their application is complete they need a fifteen-day public comment period before they can proceed. He anticipates they will receive approval from the DEC this week and is hoping for a conditional approval for this project from the Planning Board. Mr. Belson added he has a copy of the application for review, along with a notice for the fifteen-day comment period. Member Wingard inquired about the placement of the addition in regards to the wetlands. Mr. Arlington stated there is a 100 ft. buffer zone before the wetlands, but when the delineation of the wetland map changed, this area now became closer. They will have to change the grade to meet the building elevation of the existing structure. They plan to have two overhead doors and one-man door. Member Wingard asked for specific measurements of the elevation of the wetlands vs. the building elevation. Mr. Arlington stated it is about eight inches. Chairman Forsey asked for additional questions.

Attorney Norris added this is a Type II action and no SEQR is needed for this project.

A **MOTION** was made by Member Grzebinski, seconded by Member Bindeman to approve the following Architectural and Design resolution:

WHEREAS, I II III Generations, LLC has submitted an application for Architectural Review for construction of a 3,840 addition to an existing building located at 5589 Davison Road, Lockport, New York, SBL No. 123.04-2-40.

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.

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.

A **MOTION** was made by Member Wingard, seconded by Member Langdon to approve the following Site Plan Resolution:

WHEREAS, a Site Layout Plan for the construction of a 3,840 square foot addition to an existing building for I II III Generations, LLC, owner, located at 5589 Davison Road, Lockport, New York 14094, as submitted by Apex Consulting Survey & Engineering Services, P.C. dated October 12, 2015 respectively has been submitted to the Planning Board for review, now therefore be it

RESOLVED, that the site plan of I II III Generations, LLC for construction of a 3,840 square foot addition to an existing building is hereby approved and this approval is conditioned on the approval of the Town Engineer, all Town Engineer recommended changes and a Clean Water Act Water Quality Certification permit from the Department of Environmental Conservation. 7 Ayes, 0 Nays, Carried.

CASE #7 **5789 Transit Rd (SBL 123.17-1-4) BG Lockport II, LLC. Owner.** Heinrich Chevrolet Corp. proposing to lease space for 40 vehicles in the northwest portion of the parcel along Transit Road. Required approvals are a Special Use Permit. Rick Pope, CO Heinrich Services representing.

Chairman Forsey next opened the Public Hearing for comment, there was none. The public hearing was closed.

Member Wingard and Member Bindeman asked if this was indeed a one-year conditional agreement. Mr. Pope affirmed this was the case and their intention would be to renew at that time. Chairman Forsey asked if everyone reviewed Part I and Part II of the Environmental assessment short form in the member's package. All members signaled that they did. Member Grzebinski inquired about the area of the vehicles, specifically how many rows. Mr. Pope added there might be additional cars on the North side of the lot. Attorney Norris added that when the project was publicized it was changed to read "40 vehicles for retail sale on the Northwest portion of the SBL" which will cover both options. Member Grzebinski would like to have this clearly delineated for Brian Belson, Building Inspector. Building Inspector Belson acknowledged that the map submitted to his department does delineate the areas sufficiently.

A **MOTION** was made by Member Bindeman, seconded by Member Wingard to accept the SEQR findings for this project.

WHEREAS, a Short Form Environmental Assessment Form has been prepared for the proposed action which consists of use of the northwest portion of real property located at 5789 South Transit Road, Lockport, NY (Tax Map No. 123.17-1-4./A) for a 40 vehicle retail sales lot, and

WHEREAS, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project,

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the action is an unlisted action pursuant to SEQRA, and that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this Determination pursuant to SEQRA be prepared and filed. 7 Ayes, 0 Nays. Carried.

Member Conrad expressed his disappointment with the plan for this project; he feels it is not the image the Town is trying to represent, nor in line with the plan for Transit North. After all the time put in to create a favorable façade for Walmart and the other buildings in that area, this seems like a step backward just for advertising purposes. Chairman Forsey pointed out that it is only for one year and if they sell the existing vacant store, they can make changes to the mandated green space at that time. Member Grzebinski added that he does not feel this would add to the town either. He believes it would be more advantageous to have an empty area as opposed to 40 vehicles on that lot. Member Conrad inquired as to whether the lease started September 1, 2015. Mr. Pope confirmed this. Attorney Norris stated that the effective date of the special use permit would begin on the date of approval and would be valid for one year from this date. Member Wingard added next year there may be more requirements after the board sees how it goes.

A **MOTION** was made by Member Wingard, seconded by Member Langdon to waive the CCOD requirements for the Special Use permit as follows:

WHEREAS, an application for a Special Use Permit has been submitted by BG Lockport, II, LLC and Heinrich Chevy Corp. for the proposed action which consists of use of the northwest portion of real property located at 5789 South Transit Road, Lockport, NY (Tax Map No. 123.17-1-4./A) for a 40 vehicle retail sales lot,

NOW, THEREFORE, BE IT RESOLVED, that the CCOD requirements are hereby waived, as the request is temporary in nature. 7 Ayes, 0 Nays, Carried.

Attorney Norris pointed out the findings that were prepared by Drew Riley and himself and a proposed decision, which he then read to the board. Chairman Forsey asked that a fourth condition be added which states "4) No parking cars on the grass". Mr. Pope, CO of Heinrich Services, assured the Board parking on the grass would not happen.

A **MOTION** was made by Member Langdon, seconded by Member Bindeman to approve the Special Use Permit for BG Lockport II, LLC, owner Heinrich Chevy, Corp as follows:

WHEREAS, BG Lockport II, LLC, as owner and Heinrich Chevy, Corp., as applicant has applied for a Special Use Permit from the Town Planning Board to place 40 vehicles for retail sales on the northwest portion of SBL parcel 123.17-1-4./A located at 5789 South Transit Road, Lockport; and

WHEREAS, a public hearing was held, and

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 attached findings sets forth the appropriate findings and these 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, a Special Use Permit is hereby granted to allow the placement of 40 vehicles for retail sales on the northwest portion of SBL parcel 123.17-1-4./A located at 5789 South Transit Road, Lockport, with the following conditions:

- 1) The Special Use Permit is for Applicant only.
- 2) There is a one-year time limit (Applicant would need to apply for a renewal if they wish to extend the permit beyond one year).
- 3) No signage or flags allowed.
- 4) No parking cars on grass

5 Ayes, 2 Nays. Voting Nay – Member Grzebinski, Member Conrad. Motion Carried. Mr. Pope thanked everyone for his or her consideration.

Member Conrad asked for the status of the other agenda items. Attorney Norris read a letter from the Murray Law Firm out of Clifton Park representing Verizon in regards to the Cell Tower they wish to build in the Town. At this point they asked that the public session for this evening be tabled as they are awaiting additional engineering information from their consultants.

Brian Belson then reported the NOCO project is tabled as they are redesigning the plan to eliminate the tractor-trailers due to the limited space behind the building. They felt it would not be practical; they may still offer diesel but only for cars and box trucks. Sean Hopkins from NOCO told Brian they anticipate coming back in November.

A MOTION to adjourn was made by Member Langdon, seconded by Member Conrad. 7 Ayes, 0 Nays. Carried.

Respectfully Submitted,

Judi Newbold
Acting Secretary

ASSESSOR
BUILDING INSPECTOR
PLUMBING INSPECTOR

TOWN OF LOCKPORT

6200 Robinson Road
Lockport, New York 14094



OFFICE OF LANDS,
BUILDING, AND CODE ENFORCEMENT

FIRE BUREAU
PLANNING BOARD
ZONING BOARD

(716)439-9526
439-9527
FAX 439-9532

PLANNING BOARD AGENDA

Work Session:

DATE: October 6, 2015
TIME: 4:00 PM
PLACE: 6560 Dysinger Rd.

Meeting Date:

DATE: October 20, 2015
TIME: 7:00 PM
PLACE: 6560 Dysinger Rd.

SCHEDULED AGENDA FOR MEETING TO DATE

1. Approval of September 15, 2015 minutes. *WS*
2. 6233 Transit Rd., SBL# 138.00-1-18.1, NOCO properties, owner. *tabled*
Proposing convenience store and gas station expansion. Required approvals are Site Plan, Special Use Permit, Architectural Review, Niagara County Planning Board.
3. *7150-* 7154 Chestnut Ridge Rd., SBL# 110.00-1-11, REL, LLC, owner. *tabled*
Proposing Verizon Cell Tower. Zoned B-1, required approvals are Use Variance, Site Plan, Special Use Permit.
4. 4922 IDA Park Dr., SBL# 108.00-1-55, JNR Magnetics LLC, owner *WITHDRAWN*
Proposing to build 15,00 square foot building. Required approvals are Site Plan.
5. 5549 Davison Rd., SBL# 123.04-2-43, Mulvey Construction Inc., owner.
Proposing to build 2146 square foot hair salon in a PUD Zoning District.
Required approvals are Site Plan and Niagara County Planning Board,
Architectural Review.
Received Town Board approval for lot frontage of 100 feet September 2, 2015
6. 5589 Davison Rd., SBL# 123.04-2-40, I II III Generations LLC, owner.
Proposing 3840 square foot addition on east side of existing building.
Required approvals are Site Plan, Architectural Review.
7. 5789 Transit Rd., SBL# 123.17-1-4, BG Lockport II, LLC, owner.
Heinrich Chevy Corp. proposing to lease space for 40 vehicles along Transit Rd.
Required approvals are a Special Use Permit.

TOWN OF LOCKPORT

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the proposed site plan on the property owned by Tim Mulvey, located at 5549 Davison Road, Lockport, New York, as set forth in the application before the Planning Board has been approved as to architectural design by the Town of Lockport Planning Board.


Chairman

Dated: 10/30/15

**TOWN OF LOCKPORT PLANNING BOARD
ARCHITECTURAL AND DESIGN RESOLUTION**

WHEREAS, Tim Mulvey has submitted an application for Architectural Review for construction of a 2,146 square foot hair salon building located at 5549 Davison Road, Lockport, New York, SBL No. 123.04-2-43.

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.

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

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

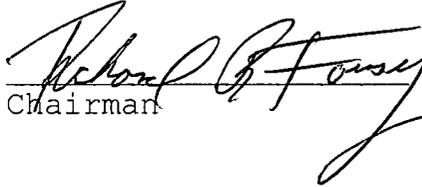
WHEREAS, a Site Layout Plan for the construction of a 2,146 square foot building for Tim Mulvey, Owner, located at 5549 Davison Road, Lockport, New York 14094, as submitted by Apex Consulting Survey & Engineering Services, P.C. dated ~~September~~ *October 12* ~~9~~, 2015, respectively has been submitted to the Planning Board for review, now therefore be it

RESOLVED, that the site plan of Tim Mulvey for construction of a 2,146 square foot hair salon building is hereby approved and this approval is conditioned on the approval of the Town Engineer and all Town Engineer recommended changes.

TOWN OF LOCKPORT

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the proposed site plan on the property owned by I II III Generations, LLC, located at 5589 Davison Road, Lockport, New York, as set forth in the application before the Planning Board has been approved as to architectural design by the Town of Lockport Planning Board.


Chairman

Dated: 10/2/15

**TOWN OF LOCKPORT PLANNING BOARD
ARCHITECTURAL AND DESIGN RESOLUTION**

WHEREAS, I II III Generations, LLC has submitted an application for Architectural Review for construction of a 3,840 square foot addition to an existing building located at 5589 Davison Road, Lockport, New York, SBL No. 123.04-2-40.

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:

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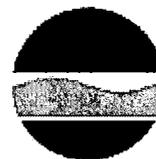
ACCORDINGLY, the Planning Board hereby approves the design as submitted and directs the issuance of a Certificate of Approval by the Chairman.

TOWN OF LOCKPORT PLANNING BOARD
SITE PLAN RESOLUTION

WHEREAS, a Site Layout Plan for the construction of a 3,840 square foot addition to an existing building for I II III Generations, LLC, Owner, located at 5589 Davison Road, Lockport, New York 14094, as submitted by Apex Consulting Survey & Engineering Services, P.C. dated ~~September 17, 2015~~, *October 12, 2015* respectively has been submitted to the Planning Board for review, now therefore be it

RESOLVED, that the site plan of I II III Generations, LLC for construction of a 3,840 square foot addition to an existing building is hereby approved and this approval is conditioned on the approval of the Town Engineer and all Town Engineer recommended changes. *And DEC permit.*

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 10/09/2015

Applicant: ALFRED A DITULLIO

Facility: A&A BEAUTY SUPPLY ADDITION
5589 DAVISON RD
LOCKPORT, NY 14094

Application ID: 9-2926-00183/00001

Permits(s) Applied for: 1 - Section 401 - Clean Water Act Water Quality Certification
1 - Article 24 Freshwater Wetlands

Project is located: in LOCKPORT in NIAGARA COUNTY

Project Description:

The Department has received and made a tentative determination to approve an application for the construction of a 45 feet by 80 feet addition to the existing A&A Beauty Supply facility located at 5589 Davison Road in the Town of Lockport. The proposed project involves construction of a concrete foundation for placement of a pre-fabricated building on an existing paved storage area with no additional disturbance to soils and vegetation. The proposed addition will impact approximately 0.08 acre of regulated adjacent area of NYS Freshwater Wetland LP-32. Proper sediment and erosion controls will be utilized to maintain the water quality of the wetland.

As a tentative determination, the Department is seeking public comment prior to making a final decision on permit issuance.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

Project is not subject to SEQR because it is a Type II action.

SEQR Lead Agency None Designated

State Historic Preservation Act (SHPA) Determination

Cultural resource lists and map have been checked. No registered, eligible or inventoried archaeological sites or historic structures were identified at the project location. No further review in accordance with SHPA is required.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 10/29/2015 or 15 days after the publication date of this notice, whichever is later.

Contact Person

LISA M CZECHOWICZ
NYSDEC
270 Michigan Ave
Buffalo, NY 14203-2915
(716) 851-7165

CC List for Complete Notice

Charles Rosenburg, NYSDEC
Ken Brown, Apex Consulting
Timothy Arlington, Apex Consulting
Hon. Marc Smith, Supervisor, Town of Lockport
File

TOWN OF LOCKPORT

SEQRA RESOLUTION

WHEREAS, a Short Form Environmental Assessment Form has been prepared for the proposed action which consists of use of the northwest portion of real property located at 5789 South Transit Road, Lockport, NY (Tax Map No. 123.17-1-4./A) for a 40 vehicle retail sales lot, and

WHEREAS, the Short Form Environmental Assessment Form does not identify any moderate to large impact to the environment associated with the project,

NOW, THEREFORE, BE IT RESOLVED, that it is determined that the action is an unlisted action pursuant to SEQRA, and that the proposed action will not result in any significant adverse impacts on the environment, and it is directed that this Determination pursuant to SEQRA be prepared and filed.

TOWN OF LOCKPORT

RESOLUTION

WHEREAS, an application for a Special Use Permit has been submitted by BG Lockport, II, LLC, and Heinrich Chevy Corp. for the proposed action which consists of use of the northwest portion of real property located at 5789 South Transit Road, Lockport, NY (Tax Map No. 123.17-1-4./A) for a 40 vehicle retail sales lot,

NOW, THEREFORE, BE IT RESOLVED, that the CCOD requirements are hereby waived as the request is temporary in nature.

**SPECIAL USE PERMIT
RESOLUTION**

**BG LOCKPORT II, LLC, OWNER
HEINRICH CHEVY, CORP.
5789 S. TRANSIT RD, Lockport**

*Approved
5-2
T/G
R/C
N/4J*

WHEREAS, BG Lockport II, LLC, as owner and Heinrich Chevy, Corp., as applicant has applied for a Special Use Permit from the Town Planning Board to place 40 vehicles for retail sales on the northwest portion of SBL parcel 123.17-1-4./A located at 5789 S. Transit Road, Lockport; and

WHEREAS, a public hearing was held, and

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 attached findings sets forth the appropriate findings and these 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, a Special Use Permit is hereby granted to allow the placement of 40 vehicles for retail sales on the northwest portion of SBL parcel 123.17-1-4./A located at 5789 S. Transit Road, Lockport, with the following conditions:

- 1) The Special Use Permit is for Applicant only.
- 2) There is a one year time limit (Applicant would need to apply for a renewal if they wish to extend the permit beyond one year).
- 3) No signage or flags allowed.
- 4) *No parking cars on the grass*

**TOWN OF LOCKPORT PLANNING BOARD
SPECIAL USE PERMIT FINDINGS**

TOWN OF LOCKPORT, NIAGARA COUNTY, NEW YORK

Pursuant to Article XIX, Special Use Permits, §200-137, Findings required in the Town of Lockport Zoning Law, the Town of Lockport Planning Board has issued the following findings in regards to the special use permit for the below referenced project.

Date of Approval:
October 20, 2015

Name of Action:
Heinrich Leased Parking

Description of Action:
The applicant wishes to lease part of the old Wal-Mart parking lot for the storage, display and sale of vehicles.

Location:
The subject property is located at 5789 Transit Road (Parking lot at Transit road).

Agency Jurisdiction:
The Planning Board has jurisdiction over the special use permit and site plan approvals for any project.

Applicability:
The following represents the findings required for the issuance of a special use permit in accordance with §200-137 of Chapter 200, "Zoning and Land Use Law" of the Town of Lockport. These Findings are based on the information submitted by the applicant, input from the Town staff and consultant, and a thorough review by the Planning Board:

- A. Will comply with all provisions and requirements of this and other local laws and regulations, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law.**

Findings:

The Planning Board has found that the proposal (the temporary use of an existing parking lot) complies with the provisions and requirements of this and other local laws and regulations and is in harmony with the purposes of the B-2 Zoning district and the Commercial Corridor Overlay District (with the conditions proposed in the Special Use Permit)

- B. **Will not be detrimental to adjacent uses.**

Findings:

The proposed project will not be detrimental to adjacent uses, as the adjacent areas are parking lots and retail buildings.

- C. **Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing, and condition and will have appropriate parking and be accessible to fire, police, and other emergency vehicles.**

Findings:

The proposed project is not expected to cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads. The overall site will remain accessible to fire, police, and other emergency vehicles.

- D. **Will not overload any public water, drainage, sewer system, or any other municipal facility, or degrade any natural resource or ecosystem.**

Findings:

The proposed project will not overload any public water, drainage, or sewer system, or any other municipal facility, or degrade any natural resource or ecosystem as it involves no construction or improvements to the site.

- E. **Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and if appropriate, its ability to be buffered or screened from neighboring properties and public roads, and its existing and proposed use.**

Findings:

The proposed project is suitable for the property on which it is proposed (existing parking lot), and the site is suitably sized for the project and is compatible with the existing nature of the area.

- F. **Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances, and will satisfy the general land use performance standards of this Law.**

Findings:

The project will not result in excessive noise, dust, odors, solid waste, or glare and will satisfy the general land use performance standards of the Zoning Law.

- G. **Will not adversely affect the aesthetics of the premises and adjacent properties and the neighborhoods.**

Findings:

The project will not adversely affect the aesthetics of the site or adjacent properties and neighborhoods. The applicant, for this temporary use (agreed to limitation of the permit), will not add signage, banners or other materials to alter the characteristics of the area (conditions of the Special Use Permit).

- H. **Will not cause the site to be unduly congested, dangerous, unattractive to visitors, or unfriendly to pedestrians.**

Findings:

The project will not result in the site being unduly congested, unattractive to visitors, or unfriendly to pedestrians. There are no buildings being proposed and will not produce much traffic or pedestrians at the site.

Summary of Findings:

The Town of Lockport finds that the applicant has submitted substantial evidence to support the issuance of a special use permit for the Heinrich Leased Parking project. After thorough review of the documentation provided by the applicant, the Planning Board feels they have sufficient information to make an informed determination regarding the issuance of the special use permit.

It is the Findings of this Board that the Heinrich Leased parking project does not pose any significant adverse impact to the general public health, safety, and welfare. As such, the Board has determined that the special use permit shall be granted.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 - Project and Sponsor Information | | | |
|--|--|------------|---------------------------------|
| Name of Action or Project: Heinrich Chevy Corp. | | | |
| Project Location (describe, and attach a location map): | | | |
| Brief Description of Proposed Action: Leasing of existing parking spaces for car display | | | |
| Name of Applicant or Sponsor: | | Telephone: | |
| | | E-Mail: | |
| Address: | | | |
| City/PO: | | State: | Zip Code: |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? _____ acres | | | |
| b. Total acreage to be physically disturbed? _____ 0 acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres | | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | |
|--|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: _____ | | Date: _____ |
| Signature: _____ | | |

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: a. public / private water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Project involves no physical alterations to the site. The project will include people driving to the site and looking at cars; the traffic will be much less than the traffic that was there when the Wal-mart was operating. The use is also temporary in nature.

| | |
|--|--|
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. |
| <u>Town of Loudport Planning Board</u> | <u>10/20/15</u> |
| Name of Lead Agency | Date |
| <u>Richard Forsey</u> | <u>Chairman</u> |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| <u>Richard Forsey</u> | |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

PRINT