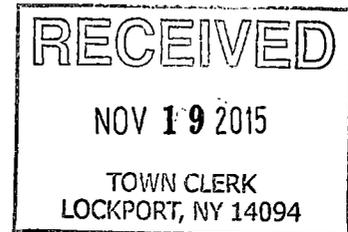


TOWN OF LOCKPORT  
PLANNING BOARD  
November 17, 2015



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

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

ABSENT: Tyler Ray

The November 17, 2015 Planning Board meeting was called to order at 7:00 pm by Chairman Forsey, who then led the Pledge of Allegiance.

**CASE #1**      **6233 Transit Road – SBL #138.00-1-18.1 – NOCO Properties, owner** – Peter Sorgi of Hopkins, Sorgi and Romanowski presenting with Tim from NOCO. Proposing convenience store and gas station expansion. Required approvals are Site Plan, Special Use Permit, Architectural Review, Niagara County Planning Board and some variances from the ZBA. Senior Building Inspector Belson stated they received approval from the Niagara County Planning Board yesterday. Mr. Sorgi stated they have incorporated the dispensers under one canopy that they are extending.

Chairman Forsey opened the Public Hearing.

Member Langdon asked the location of the underground tanks and they were pointed out.

Member Conrad asked the height of the trees by the trailer park and Mr. Sorgi stated 2 ½ kelps. There is also a row of existing trees and a fence. Tim stated it is all down lighting and they are an 83 year old company and will resolve any issues that may arise with the neighbors. Mr. Sorgi stated there are talks about utilizing some of the parking area to connect the manufacturer home community with a walkway.

Member Wingard asked if the canopy is extended more north and Tim said yes, as they will have double the dispensers. Tim said their volume is down and they are

working to get it back with adding the car wash with a single laser washer and a Tim Horton's in the building. The diesel dispenser will be single.

Member Langdon asked to see the rendering of the building again and was shown. Member Bindeman asked about the signage. Mr. Sorgi stated they will be asking for signage as large as is allowed as they are not at a signalized area as most of the NOCO stores are, and he feels the public needs as much notice as possible to prepare to turn in to the store.

Member Wingard asked if cars will enter from the south and exit north. Mr. Sorgi stated they can enter anywhere, 8 cars can be stacked, and the wash takes approximately 7 minutes per car.

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

Ms. Parker stated this is an unlisted action under SEQRA and that Wendel is recommending that a coordinated review under SEQRA not be conducted. A short form EAF review will be conducted by the Board prior to any Planning Board approvals.

**MOTION** made by Member Grzebinski, seconded by Member Tyson not to do a coordinated review. 7 Ayes, 0 Nays, Carried.

**CASE #2**      **7154 Chestnut Ridge Road – SBL #110.00-1-11, REL, LLC, Owner.** Tabled

**CASE #3**      **5095 Day Road – SBL#110-00-1-40 – Mark & Lori Parsons, owner.** Tim Arlington presenting. Proposing a seasonal restaurant and related site improvements. A Use Variance and two area variances were granted by the Zoning Board of Appeals September 22, 2015. Required approvals are Site Plan and Architectural Review.

Mr. Arlington stated they will put in forsythias for more screening as was requested by the ZBA and Planning Board, and the Parsons would like to use the building earmarked for storage while they are working on the main building.

Mr. Arlington stated the Site plan is about the same as presented at the work session, except they have added a flag pole and there are 35 parking spaces instead of the required 20. There is also a detention pond that drains from the south to the north. Mr. Arlington stated they will maintain the grading plan and there is a swale in the back that directs the water to the detention pond. The utilities have been changed, the water and sewer will go across the road and then down to the corner to connect to the existing sanitary sewer and water services,

and this is what the neighboring restaurant did. Mr. Arlington noted that there will be LED down lighting.

Mr. Arlington presented a color rendition and pointed out that the Parsons are planning to use garage doors to lower for protection as the weather gets colder.

Member Conrad asked if there is a manhole for drainage in the parking lot and Mr. Arlington stated no, everything drains to the pond with the 5' grade.

Attorney Norris asked if there is shrubbery all across the south property line. Mr. Arlington stated yes, as required. There are very mature pine trees across the south line, which will be left. Closely spaced forsythias will be planted as depicted on the site plan by the restaurant when it is built. However, until the smaller back seating structure is in (in the southeast corner), the forsythias will not be planted near this structure so to properly use the earth and fill in this location. Mr. Arlington confirmed that the closely spaced forsythias will border the south property line once all construction is completed. Attorney Norris asked how tall the trees and shrubbery is. Mr. Arlington stated the trees are 30-50' tall and thick. The forsythias grow to 7' and higher, and bush out. Mr. Parsons stated it will probably be two years before they get the back seating in.

Member Conrad inquired whether the neighbor to the south is agreeable to this.

Mr. Arlington responded that ZBA conditioned its approval to require closely spaced shrubbery to mitigate any adverse impacts on the owner of the neighboring southerly parcel.

Attorney Norris asked Mr. Arlington if, in his professional opinion, you will be able to see through the pine trees and shrubbery. Mr. Arlington stated no.

Chairman Forsey opened the Public Hearing.

Mr. Parsons stated the building was designed with a solid wall to the south so no noise will head to the south and the sign will be gold with blue. Member Conrad asked if beer will be served and Mr. Parsons stated no.

Member Conrad asked if being so close to the trees will kill the forsythias and Mr. Arlington said, no, they will get sun. Mr. Arlington stated the 18" berm will make the property almost level to the neighbors.

Member Langdon asked how close to the home they will be. Mr. Arlington stated the home is about 85' from the property line, so it will be about 100' from the building.

Member Grzebinski asked if the utility connection will be the same as the neighboring closed restaurant. Mr. Arlington stated no, they went to the back of the property to E. High Street. Member Grzebinski asked if it would be better to go to the back and Mr. Arlington said no, its private property.

Mr. Parsons said the hours of operation will be from 10 am to 1 hour after sunset, but 10 pm maximum, unless requested to stay open later by the Town.

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

**MOTION** made by Member Conrad, seconded by Member Wingard to waive the reading and move to vote, of the following Architectural and Design Resolution. 7 Ayes, 0 Nays, Carried.

**WHEREAS**, Mark and Lori Parsons have submitted a design plan as submitted by Apex Consulting Survey & Engineering Services dated October 15, 2015 for Architectural Review for construction of a 3,600 square foot new restaurant with related site improvements located at 5095 Day Road, Lockport, New York SBL #110.00-1-40.

**NOW THEREFORE BE IT RESOLVED**, that based upon the Planning Board review of the proposed project's design and site layout 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.

**MOTION** made by Member Conrad, seconded by Member Wingard to waive the reading of the following Site Plan Resolution and moves to vote.

**WHEREAS**, a Site Layout Plan for the construction of a 3,600 square foot new restaurant with related site improvements for Mark and Lori Parsons, Owners, located at 5095 Day Road, Lockport, New York 14094, as submitted by Apex Consulting Survey & Engineering Services, P.C. dated November 5, 2015, has been submitted to the Planning Board for review, now therefore be it

**RESOLVED**, that the site layout plan of Mark and Lori Parsons for construction of a 3,600 square foot new restaurant with related site improvement is hereby approved and this approval is conditioned on the following:

1. Approval of the Town Engineer and all Town Engineer recommended changes.
  2. The Applicant must plant at the time of development, and maintain an earthen berm which can be mowed, and upon which will be planted closely spaced shrubbery on the south property line. Said berm and shrubbery shall provide continuous screen of not less than eight (8) feet from road grade level, which shall be neatly maintained by the property owner.
  3. No generator or air conditioning units or other noise making devices shall be installed south of the south façade, as extended, of the restaurant building.
- 6 Ayes, 1 Nay (Member Grzebinski), Carried.

**MOTION** made by Member Wingard, seconded by Member Langdon to adjourn. 7 Ayes, 0 Nays, Carried.