

Regular Council Meeting
MONDAY, JANUARY 19, 2021
7:00 p.m. – Caucus/ Meeting to immediately follow
REMOTE ZOOM
****COVID-19 procedures in effect****
Live via Facebook@http//Facebook.com/lackawannany

Attention Residents:

The Remote Zoom format will remain in effect as long as it is authorized by Executive Order from the Governor, and until such time as the City Council resolution authorizing same is rescinded.

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law (E), Comptroller, Recreation, Public Safety, Development,
Public Works, Public Information

Approval of Minutes: of the annual reorganizational meeting of January 4, 2021.

Moved by Marrano seconded by Moretti to adopt the minutes of January 4, 2021 reorganization meeting as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Clerk** – Monthly Revenue Report for December, 2020.
2. **City Comptroller** – December 2020 Capital Fund Account.
3. **City Comptroller** – A/P Check Listing #22, dated January 7, 2021.
4. **City Treasurer** – Total receipts deposited into the General Fund Account.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one through four.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Department/Division Heads:

Tabled Items Over Ninety (90) Days Shall be Deemed Null and Void.

5. To: Council President Marrano
Council Members

As per the Council directive on May 20, 1991, all tabled items over the ninety (90) day period and not acted upon, shall be deemed null and void and the Council shall receive and file said communications.

As of January 7, 2021 the following communications have been tabled at least 90-days and are considered null and void and are hereby received and filed:

Meeting of 09/28/20, Comm. #7(A) – Law Dep't. – Municipal Code Chapter 66 Animals – Exempt Service Dogs.

Meeting of 10/05/20, Comm. #3(A) – Szymanski – Resolution naming Lehigh Soccer Complex.

Respectfully submitted,

JEFFREY P. DEPASQUALE, CITY CLERK

Moved by Marrano seconded by Ingram to receive and file.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution and Ordinance Amending Chapter 75-4, Building Permits.

6. Jeffrey DePasquale, City Clerk

714 Ridge Road

Lackawanna, New York 14218

Re: Code Amendments to Create Special Use Permit Criteria and Process.

Dear Mr. DePasquale:

Please put the attached ordinance and resolution on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

Moved by Marrano seconded by Moretti to receive and file, act on ordinance and resolution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION #5, 2021

- WHEREAS,** The City of Lackawanna Zoning Code requires the issuance of a Special Use Permit for the establishment of various land usages in various of zones of the City of Lackawanna, NY however the Code lacks a defined process and criteria for the issuing agency to assess the determination to assess the Issuance of the sought Special Use Permit; and
- WHEREAS** The City of Lackawanna wishes to adopt a rational process for the assessment of the potential impacts of special use permits; and
- WHEREAS** Pursuant to General Municipal Law 239-m the proposed Ordinance has been drafted in consultation with County of Erie Department of Environment and Planning; and
- WHEREAS** Pursuant to Article 8 of the Environmental Conservation Law a Long Environmental Assessment Form has been prepared and circulated prior to the adoption of the proposed Ordinance.

NOW, THEREFORE, BE IT

- RESOLVED,** that the proposed Ordinance is determined to pose no adverse impacts on the environment, and is consistent with the City of Lackawanna's duly adopted LWRP, Brownfield Opportunity Plan, and Comprehensive Plan; and
- RESOLVED,** that the Council authorizes the Mayor to adopt a Negative Declaration for the action of adopting the Ordinance; and
- RESOLVED,** that the proposed Ordinance amending Chapter 75 of the Building Code Administration of the City of Lackawanna is hereby adopted.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: January 19, 2021
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 75, BUILDING CODE ADMINISTRATION, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 75-4 Building Permits shall be amended to add the following:

§ 75-18 Special Provisions

The special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of all the requirements and standards set forth herein, and a determination that they are consistent with the City of Lackawanna's adopted master plans including but not limited in the Comprehensive Plan, and if applicable Brownfield Opportunity Area plan(s), and any applicable Local Waterfront Redevelopment Area Plan. In addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

§ 75-19 Required map and plans.

An area map, at a scale not larger than one inch equals 800 feet, showing the location of the property with respect to surrounding property, streets and other important features, and a plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special use permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, special features, signage and any other pertinent information, including such information about neighboring properties which may be necessary to determine and provide for the enforcement of this chapter.

§ 75-20 Application for special use permit.

Application for required special permits shall be made to the Department of Code Enforcement. The City of Lackawanna Planning and Development Board, after public notice and a hearing in the same manner as is required by law, and after receipt of a report from the Department of Development, as provided below, if requested, may authorize the issuance of a permit, provided that it shall find that all of the appropriate conditions and standards in §75-18 through §17-27 have been met. Such permit shall run with the land or premises and not to the applicant, owner or other interested party.

§ 75-21 Referral of applications to Planning Board.

The Planning and Development Board may refer to the Department of Development, a request for a report, any special permit application.

§ 75-22 Expiration of special permits.

A special use permit shall be deemed to authorize only one particular special use. Such permit shall be considered null and void if not exercised within six months from the date of issue, and all improvements required for this special use shall be completed within said six-month period, unless otherwise provided in the Board's approval of said use.

§ 75-23 Revocation of special permits.

A use authorized by special permit granted by the Planning and Development Board may be revoked by the board which granted the special permit, if that board finds and determines, after a public hearing held in the manner provided for by law for that board, that there has been a failure of compliance with any one of the terms, conditions, limitations and requirements imposed by said permit.

§75-24 Conditions and safeguards.

The Board of Appeals, Town Board or Planning Board, as the case may be, shall attach such conditions and safeguards to the special permit as are necessary to ensure continued conformance to all applicable standards and requirements.

§75-25 Existing violations.

No permit shall be issued for a special use for a property where there is an existing violation of this chapter, unless the actions undertaken, pursuant to the issuance of the Special Use Permit will remedy the violations upon completion of the project.

§75- 26 Standards applicable to all special uses.

A. The location and size of the use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

B. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

C. Operations in connection with any special use shall not significantly adversely impact surrounding properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses.

D. Parking areas shall be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

E. The size, and use, of the property shall not significantly adversely impact the City's ability to develop a sustainable tax base.

F. The proposal will not create excessive additional requirements of public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

G. The proposal will be served adequately by essential public facilities. such as highways, streets, police and fire protection, stormwater drainage, water and sewer and schools, or that the applicant for the proposed special use shall otherwise provide that these services be adequately obtained.

H. Uses that cannot fully comply with all the provisions of this section shall be denied.

§75-27 Individual standards for special uses.

A special use shall conform in all respects to all the regulations of this chapter and, particularly, to those regulations in the schedule of regulations for the zoning district in which the special use is located, except that the regulations in the following sections shall apply when they are more restrictive. Upon Petition and referral by the Planning Board the City of Lackawanna Zoning Board of Appeals may reduce applicable area restrictions if determined warranted after application of Section 81-b of the General City Law.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: January 19, 2021
Lackawanna, New York**

Moved by Marrano seconded by Moretti to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Entertainment Licenses:

Col. Weber VFW #898, 2909 South Park Ave. Class 1 – Live Music and/or Mechanical Reproduction.

Moved by Marrano seconded by Moretti to approve entertainment license.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Ice House Pub, 715 Ridge Road, Class 1 – Live Music and/or Mechanical Reproduction.

Moved by Marrano seconded by Szymanski to approve entertainment license.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Old Business:

Adjournment:

Moved by Szymanski seconded by Moretti to adjourn meeting.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk