

**City of Lackawanna, NY**  
**NOTICE OF PUBLIC HEARING**

*(NOTE: this meeting is being held via zoom/facebook. No one will be in the City Hall for meeting)*

PLEASE TAKE NOTICE that pursuant to NY General City Law §83, and following the Governor's Executive Orders in response to the Covid-19 pandemic, a virtual public hearing will be held before the City Council of the City of Lackawanna on Monday, March 22, 2021 at 5:30 P.M. The purpose of the hearing is to consider:

Proposed amendments to the zoning regulations of the lands in the City of Lackawanna West of Route 5, being the former site of the Bethlehem Steel Corporations. SBL #s of the lands covered by the amendments include 141-1-49; 141-1-1.22; 141-05-1.1; 141.11-1-51; 141.11-1-48.12; 141.11-1-52; 141-15-1-4; 141.19-1-2; 141.15-1; 141.15-1-2; 141.15-1.3; 141-19-1-1.1; 150.07-1-1; 150.07-1-2; 141.15-1-5.

Copies of the proposed amendments may be obtained from the Office of the Lackawanna City Clerk and will be posted on the City of Lackawanna's web site at:

<http://lackawannany.gov/development/>

This hearing will be held in a live electronic forum and available to the public. Accessibility is available via internet link:

FaceBook – Lackawanna City Government

Written or electronic comments received by the City Clerk's Office by 12:00 P.M. on March 22, 2021 will be presented to the City Council Members in advance of the hearing. Written comments should be sent to City of Lackawanna City Clerk, Room 215, Lackawanna NY, 14218 or electronically to [cityclerk@lackny.com](mailto:cityclerk@lackny.com)

Richard Stanton  
Director of Development  
City of Lackawanna



**CITY OF LACKAWANNA**  
**DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309  
Lackawanna, NY 14218  
Tel: (716) 827-6474 Fax: (716) 827-1866



**COMMUNICATION**

19

To: Common Council of the City of Lackawanna

From: Richard E Stanton, Esq., Director of Development *R*

Dated: February 17, 2021

Re: Changes to § 230-17 of City of Lackawanna Zoning Code Pertaining to Bethlehem Redevelopment Area

Attached please find proposed changes to §230-17 of our City Code which are the land use and area restrictions pertaining to the Bethlehem Redevelopment Area.

Prior to any action on the items we will need to:

1. Hold a Public Hearing; and
2. Determine if the changes pose any significant adverse impacts upon the environment as required under the State Environmental Quality Review Act; and
3. Submit the proposed changes to the Erie County Department of Environment and Planning for their review pursuant §230-m of the General Municipal Review.

If the Council would set the public hearing for about 4 weeks out I will commence the interagency review processes.

The only expansion of uses in the proposed amendments is the expansion of the height limitation of structures in the Light Industrial District of the Bethlehem Redevelopment Area (BRA) from 36 feet to 45 feet.

Other changes of note are:

1. elimination of Telecommunication Towers, and non-rooftop solar panel systems, as as-of-right use in the Light and Medium intensity use sections of the BRA, and to limit non roof top energy generating systems to no more than 5% of the land of the heavy industrial land use areas; and
2. Elimination of certain potentially noxious uses from the category of as-of-right uses on the Heavy Industrial BRA lands.

2021 FEB 17 AM 11:21

Richard Stanton  
Department of Development

RECEIVED  
LACKAWANNA CITY CLERK

[Amended 10-6-2009; 6-16-2014; 9-16-2014; 6-19-2018]

§230-17 Bethlehem Redevelopment Area

**A.** Light Industry District (BRA-LI).

**(1)** Purpose.

**(a)** The primary purpose of the BRA Light Industry (BRA-LI) District is to create a quality setting to provide for a variety of employment opportunities. The district encourages the development of a mix of uses, such as offices, research and development facilities, wholesale, warehousing/distribution, and light manufacturing uses, with the intent of offering a wide range of job opportunities. This district is also designed to improve the City's tax base.

**(b)** Properties in the BRA-LI are visible from New York State Route 5 and/or the Hamburg Turnpike and help establish the image of the area. Development in this district is subject to higher design standards in order to present an attractive setting.

**(2)** Use regulations.

**(a)** Permitted uses and structures:

- [1]** Banking and commercial offices;
- [2]** Laboratories, experimental, testing, research and development facilities;
- [3]** Offices: corporate/regional headquarters, governmental, administrative and local service centers;
- [4]** Office-based enterprises such as administrative, back office and telemarketing facilities;
- [5]** Professional offices: real estate, insurance, medical and attorneys' offices in individual or common structures of at least 25,000 square feet;
- [6]** Public utility service structure or facility;
- [7]** Research and development offices and laboratories;
- [8]** Trade and industrial schools (postsecondary);
- [9]** Training facilities;
- [10]** Indoor recreation; and
- [11]** Light manufacturing, assembly and fabrication, including:
  - [a]** Electronic component and equipment assembly;
  - [b]** Food and beverage products;
  - [c]** Household items and furniture;
  - [d]** Office equipment;
  - [e]** Panels, sheets, tubes or rods;
  - [f]** Pharmaceutical products, cosmetics or toiletries;
  - [g]** Plastic and rubber components and finished products;

- [h] Printing, publishing and engraving, including newspapers; and
- [i] Recreation equipment or toys.

(b) Uses allowed with Special Use Permit:

~~[1]~~

~~Telecommunications facilities as a primary use, including towers, dishes and ancillary equipment;~~

~~[12]~~ Temporary structures for construction purposes;

~~[23]~~ Wholesale home and garden supply, and nurseries; and

~~[43]~~ Warehousing, lumberyards, storage and wholesale distribution facilities (no unenclosed outdoor storage of equipment or materials).

(c) Permitted accessory uses and structures:

[1] Accessory storage buildings;

[2] Communication towers/dishes required for operation of primary use;

[3] Employee services, such as cafeterias, credit unions and recreational facilities, which are located within the primary structure and occupy no more than 10% of the developed floor area;

[4] Fences, benches, walls and hedges;

[5] Off-street parking and loading facilities in conjunction with primary use (Loading facilities shall be properly screened from view of New York State Route 5.);

[6] Transit shelters;

[7] Satellite television receiving antenna;

[8] Signs (See § 230-41.);

[9] Truck shipping and delivery facilities accessory to primary operation;

[10] Warehouse and distribution facilities ancillary to the primary use and limited to a floor area not to exceed 35% of the gross floor area of the primary use; and

[11] With a special use permit: rooftop alternative energy system apparatus, if attached to a primary structure and used for on-site operations (not utility scale), and not creating an exceedance of area height restrictions measured from top of apparatus to ground.

(d) Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following uses are prohibited in the BRA-LI:

[1] Residential (all densities);

[2] Schools;

[3] Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and

[4] Wells for extraction of water, other than for monitoring, treating or remediation.

(e) Uses requiring site plan review. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with Article VIII of this chapter.

(3) Site area requirements. (See Subsection F, Supplemental Regulations.)



### **BRA-Light Industry Business (BRA-LI)**

Minimum lot size	5 acres; or 50 acres for PUD
Minimum lot frontage	300 feet
Maximum building height	<del>45</del> 36 feet or 3 stories
Minimum front yard	30 feet/50-foot setback required from New York State Route 5 right-of-way/Hamburg Turnpike right-of-way
Minimum side yard	25 feet
Minimum rear yard	n.a.
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building coverage	15%
Maximum lot coverage	75%
Minimum landscaping coverage	25%
Minimum setback for parking from right-of-way	10 feet

### **B. Medium Industry District (BRA-MI).**

#### **(1) Purpose.**

**(a)** The BRA-Medium Industry (BRA-MI) District has been created to establish a transitional zone between the BRA-LI District along New York State Route 5 and the Heavy Industry District (BRA-HI) to the interior of the site. This transitional zone is intended to encourage "nonsmokestack" manufacturing and high employment uses to promote redevelopment, while remaining compatible with both the BRA-HI and BRA-LI Districts.

**(b)** The BRA-MI District is intended to utilize the site's size, history, environmental limitations and existing infrastructure to take advantage of one of the region's best-suited locations for developing new medium industrial uses. This district is designed to accommodate compatible industries on medium- to large-sized lots in an organized manner to promote the efficient redevelopment of the property, while providing a transitional zone to separate heavy industrial uses from uses along New York State Route 5. The district is established to encourage the development of a broad range of employment opportunities within the City and to enhance the City's tax base.

**(c)** For portions of the BRA-MI that front on New York State Route 5, screening, landscaping and/or higher design standards shall be used to promote an attractive image along New York State Route 5.

#### **(2) Use regulations.**

(a) Permitted uses and structures:

- [1] Laboratories, experimental, testing, research and development facilities;
- [2] Offices: corporate/regional headquarters, governmental, administrative and local service centers;
- [3] Office-based enterprises such as administration, back office and telemarketing facilities;
- [4] Public utility service structure or facility;
- [5] Research offices and laboratories;
- [6] Enclosed bulk cargo storage and handling facilities;
- [7] Indoor recycling plants;
- [8] Manufacture, assembly and fabrication of the following and related products:
  - [a] Food and beverage products;
  - [b] Household items and furniture;
  - [c] Office equipment;
  - [d] Panels, sheets, tubes or rods;
  - [e] Pharmaceutical products, cosmetics or toiletries;
  - [f] Plastics and plastic components;
  - [g] Printing, publishing and engraving, including newspapers;
  - [h] Recreational equipment or toys;
  - [i] Aluminum and aluminum products;
  - [j] Automobile, marine and heavy equipment;
  - [k] Electrical and electronic equipment and appliances;
  - [l] Extruded products from plastics, metals and ceramics;
  - [m] Fabrication of metal products;
  - [n] Household and industrial chemical compounds;
  - [o] Machinery, including parts and components;
  - [p] Plastic and rubber components and finished products;
  - [q] Steel refinishing; and
  - [r] Alternative energy components and assembly.
- [9] Production and handling of fuel sources from organic natural resources.

(b) Uses allowed with special use permit:

- [1] Intermodal (uses allowed in the BRA-INT District);
- [2] Motor freight facilities and depot;
- [3] Outdoor storage and distribution facilities wholly screened from all internal roads, and bike paths within the Bethlehem Redevelopment area, and all roads and bike paths outside the Bethlehem Redevelopment Area;
- [4] Rail yards (limited to BRA-MI area south of Smokes Creek);
- [5] Concrete production (batch plant); precast concrete and aggregate products, provided there is no outdoor storage of raw materials or reclaimed materials visible from the public right-of-way;
- [6] Telecommunications towers if not visible from 6 feet of grade or lower from all Bethlehem Redevelopment recreational amenities including bike Paths and Smokes Creek as a primary use;

- [7] Temporary structures for construction purposes;
- [8] Warehousing, storage and wholesale distribution facilities; noncommercial land filling of on-site remediation material; and
- [9] Rooftop Solar energy production.

(c) Permitted accessory uses:

- [1] Accessory storage and maintenance buildings;
- [2] Communication towers/dishes required for operation of primary use;
- [3] Employee services such as cafeterias, credit unions and recreational facilities, which are located within the primary structure and occupy no more than 10% of the developed floor area;
- [4] Fences, benches, walls and hedges;
- [5] Off-street parking and loading facilities in conjunction with primary use (Loading facilities shall be properly screened from view of New York State Route 5.);
- [6] Outdoor storage of finished goods produced on site (limited to 50% of site), and screened from all internal roads and bike paths and public recreational amenities;
- [7] Rail sidings and service;
- [8] Satellite television receiving antenna, if attached to the primary structure;
- [9] Signs (See § 230-41.);
- [10] Truck shipping and delivery accessory to primary operation;
- [11] Warehouse and distribution facilities ancillary to the primary use and limited to a floor area not to exceed 35% of the gross floor area of the primary use; and
- [12] With a special use permit: alternative energy system apparatus, if attached to a primary structure (not utility scale).

(d) Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following land uses are prohibited in the BRA-MI:

- [1] Residential (all densities);
- [2] Schools;
- [3] Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and
- [4] Wells for extraction of water, other than for monitoring, treating or remediation.

(e) Uses requiring site plan approval. All new development projects, changes in land use, expansion of existing facilities and applications for special use permit are subject to site plan review in accordance with Article VIII of this chapter.

(3) Site area requirements. (See Subsection F, Supplemental regulations.)

**BRA-Medium Industry (BRA-MI)**

Minimum lot size	8 acres, or 50 acres for PUD
Minimum lot frontage	500 feet
Maximum building height	60 feet
Minimum front yard	50 feet

### **BRA-Medium Industry (BRA-MI)**

Minimum side yard	50 feet
Minimum rear yard	50 feet
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building coverage	18%
Maximum lot coverage (including parking)	80%
Minimum landscaping coverage	20%

#### **(4) Supplemental requirements.**

##### **(a) Outdoor storage and screening.**

**[1]** Screening or enclosures shall be of sufficient height and density to obstruct the view of the component or finished products stored on site from New York State Route 5 and interior public roadways, and all external roadways to the site.

**[2]** Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust, blowing of bulk materials or odors migrating off premises and negatively affecting neighboring properties.

**[3]** There shall be no outdoor storage of raw materials or reclaimed aggregate materials associated with concrete production.

#### **C. Heavy Industry District (BRA-HI).**

##### **(1) Purpose.**

**(a)** The BRA-Heavy Industry (BRA-HI) District has been designated to accommodate the redevelopment of the site for wind power, heavy industry and general manufacturing and production uses. The BRA-HI District allows for a continuation of uses that have shaped Lackawanna's industrial past. The intent is to utilize the site's size, history, environmental limitations and existing infrastructure to take advantage of one of the region's best-suited sites for developing new heavy industry.

**(b)** This district is intended to co-locate compatible industries on large lots in an organized manner to ensure the efficient development of the interior of the site. The district is established to encourage the development of a broad range of employment opportunities within the City and to enhance the City's tax base.

##### **(2) Use regulations.**

###### **(a) Permitted uses and structures:**

**[1]** All uses permitted by right in the BRA-MI District;

**[2]**



~~Energy and fuel production, including but not limited to synthetic natural gas; coal gasification; biomass; solar; ethanol; and biodiesel; manufacture, assembly and fabrication of alternative energy components;~~

[23] Noncommercial land treatment and land filling of on-site remediation material under consent order or permit as issued by the New York State Department of Environmental Conservation (NYSDEC) or the United States Environmental Protection Agency (USEPA); and

[34] Slag reclamation under "beneficial use" designation issued by the NYSDEC.

[45] Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust, blowing of bulk materials or odors migrating off premises and negatively affecting neighboring properties, and all such material must be fully screened from an elevation from all on site bike paths, internal or external roads to the Bethlehem Redevelopment Area, and all onsite recreational amenities including Smokes Creek.

**(b) Uses allowed with special use permit:**

[1] Commercial solid waste management facilities under permit or license issued by the NYSDEC;

[2] Coal and coke handling;

[3] Concrete production (batch plant), precast concrete and aggregate products;

[4] Electrical and power production and power facilities;

[5] Energy and fuel production, including but not limited to biomass; ethanol; and biodiesel;

[6] Extraction industries related to the mining of on-site materials;

[7] Manufacture and assembly of the following and related products:

[a] Cement, lime, gypsum, plaster of paris, and abrasives;

[b] Fabrication and finishing of steel or other metal products;

[c] Fertilizer, glue, gelatin, grain drying and feed; and

[d] Steel production.

[8] Manufacture or production of gases with approval of the Fire Department;

[9] Motor freight facilities and depot;

[10] Production or refining of petroleum-related products;

[11] Production of biomass-derived fuels; ethe

[12] Warehouse, storage and distribution facilities;

[13] Solar energy collection apparatus and power facilities provided the aggregate of the land usage of solar energy collection facilities does not exceed 5% of the gross surface area within the Bethlehem Redevelopment Area Heavy Industry District;

[14] Telecommunications facilities: towers, dishes and ancillary equipment; and

[15] Wind energy conversion systems and wind farms [in accordance with Article XI, Wind Energy Conversion Systems (WECS), establishing WECS Overlay District].

**(c) Permitted accessory uses:**

[1] Accessory storage and maintenance buildings;

- [2] ~~Rooftop~~Alternative energy system apparatus for on-site operations, if attached to a primary structure;
- [3] Employee services such as cafeterias, credit unions and recreation facilities, which occupy no more than 10% of the developed floor area;
- [4] Fences, benches, walls and hedges;
- [5] Off-street parking and loading facilities;
- [6] Outdoor storage of equipment and bulk materials provided all such material must be fully screened from an elevation from all on site bike paths, internal or external roads to the Bethlehem Redevelopment Area, and all onsite recreational amenities including Smokes Creek;
- [7] Rail sidings and service;
- [8] Satellite receiving antenna if attached to the primary structure; and
- [9] Signs. (See § 230-41.)

(d) Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following land uses are prohibited in the BRA-HI:

- [1] Residential (all densities);
- [2] Schools;
- [3] Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and
- [4] Wells for extraction of water, other than for monitoring, treating or remediation.

(e) Uses requiring site plan approval. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with Article VIII of this chapter.

(3) Site area requirements.

#### **BRA-Heavy Industry (BRA-HI)**

Minimum lot size	20 acres individual site or 50 acres for PUD development
Minimum lot frontage	500 feet
Maximum building height	100 feet
Minimum front yard (landscaped)	50 feet
Minimum side yard	50 feet
Minimum rear yard	50 feet
Minimum buffer to Smokes Creek Greenway Corridor Overlay District boundary	50 feet
Minimum building setback to the canal	75 feet
Minimum building coverage	10%
Maximum lot coverage	85%
Minimum open space	15%

D. Intermodal District (BRA-INT).



**(1)** Purpose.

**(a)** The intent of the BRA-Intermodal (BRA-INT) District is to encourage continued use and expansion of the BRA's existing shipping and rail infrastructure. The area within this district uniquely benefits from the location of the Gateway Trade Center, the Lackawanna Ship Canal and an extensive network of rail lines and open areas to move, temporarily store and transfer goods between ship, rail and truck transport.

**(b)** Activities permitted in this district shall facilitate the continuation of traditional water-related industrial uses and promote water-based and rail-based materials handling facilities on both sides of the Lackawanna Ship Canal.

**(2)** Use regulations.

**(a)** Permitted uses and structures:

**[1]** Bulk cargo storage and handling facilities and loading/unloading equipment, including cranes, conveyors, hoppers provided all material stored outside must be fully screened from an elevation from all on site bike paths, internal or external roads to the Bethlehem Redevelopment Area, and all onsite recreational amenities including Smokes Creek;

**[2]** Coal and coke handling, provided all such material must be fully screened from an elevation from all on site bike paths, internal or external roads to the Bethlehem Redevelopment Area, and all onsite recreational amenities including Smokes Creek ;

**[3]** Intermodal facilities;

**[4]** Maritime terminals and activities related to the shipping industry;

**[5]** Motor freight facilities and operations;

**[6]** Rail yards; and

**[7]** Warehouse, storage and distribution facilities.

**(b)** Permitted accessory uses:

**[1]** Motor freight facilities for loading and unloading;

**[2]** Offices related to operations;

**[3]** Rail service lines and extensions.

**(c)** Prohibited uses. Per deed restrictions placed on the former Bethlehem Steel Corporation property, the following land uses are prohibited in the BRA-INT District:

**[1]** Residential (all densities);

**[2]** Schools;

**[3]** Day-care facilities and nursery schools, or other facilities primarily used for multiple numbers of persons under the age of 18 years; and

**[4]** Wells for extraction of water, other than for monitoring, treating or remediation.

**(d)** Uses requiring site plan approval. All changes in land use or expansion of existing land uses are subject to site plan review in accordance with § 230-71 of this chapter.

**(3)** Site area requirements.

**BRA-Intermodal (BRA-INT)**

Minimum lot size	1 acre
Minimum setback to canal (for structures)	n.a.
Minimum lot frontage	n.a.
Maximum building height	100 feet
Minimum front yard	50 feet
Minimum side yard (buildings and outdoor storage of bulk materials)	50 feet
Minimum rear yard (buildings and outdoor storage of bulk materials)	50 feet
Minimum building coverage	n.a.
Maximum lot coverage	n.a.
Minimum landscaping coverage	n.a.

**(4)** Supplemental requirements.

**(a)** Outdoor storage and screening.

**[1]** Screening or enclosures shall be of sufficient height and density to obstruct the view of the component or finished products stored on site from New York State Route 5, ~~all exterior roads~~, ~~all exterior roads~~, Bethlehem Redevelopment Area interior public roadways, all public bike paths, and all recreational amenities including Smokes Creek.

**[2]** Bulk materials stored outdoors must be contained or controlled in such a manner as to not allow fugitive dust or blowing of bulk materials or odors migrating off premises and negatively affecting neighboring properties.



**CERTIFICATION OF ACTION TAKEN AT COUNCIL MEETING**

**TO: Director of Development**  
**RE: Requests Review of Propsed Changes to City Code Pertaining to**  
**Bethlehem Redevelopment Area. Public Hearing Required –**  
**Communication #19**

I, Jeffrey P. DePasquale, City Clerk of the City of Lackawanna, New York, County of Erie, do hereby certify the following action was taken at the City Council meeting on February 22, 2021 and is incorporated in the original minutes of said meeting. I do hereby certify that this is a true and correct transcript of such.

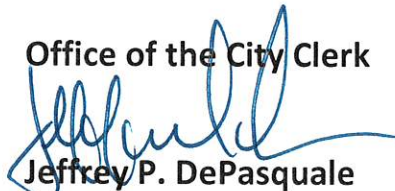
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Moved by Marrano seconded by Ingram to approve request, set Public Hearing date as March 22, 2021 (4 weeks) at 6:30 p.m.

**Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano**  
**Carried: 5-0**

**Dated: Lackawanna, New York**  
**February 22, 2021**

Office of the City Clerk



Jeffrey P. DePasquale  
City Clerk

**Cc: City Attorney**  
**Mayor**  
**Code Enforcement**  
**File**