



PLANNING AND DEVELOPMENT BOARD

Meeting Minutes
Wednesday, April 26, 2023

Opening:

The regular meeting of the City of Lackawanna Planning and Development Board was called to order at 6:00pm.

Present: Galanti, Spahn, Algawani, Zambron, Friend, Smith

Excused: Clark

Motion to approve minutes for the meeting held on 3/29/23: Algawani:

Second: Friend

All yeas carried 6-0

New Business

Item #1

Site Plan Review

Akil Nagi

2743 South Park (aka 727Ridge)

Requesting to open computer retail store

Ms. Saleh representing

Ms. Saleh began by explaining exactly where her store will be located within the building.

Chairwoman Galanti inquired about the hours of operation and expected foot traffic for the business.

Ms. Saleh responded that the hours of operation will be Monday through Friday from 9AM to 5PM and confirmed there will be some foot traffic.

Member Spahn inquired about entrances for the retail operation.

Ms. Saleh replied that there are two entrances both located off South Park; one of which enters into to office space and the other to the lobby.

Chairwoman Galanti asked if Ms. Saleh intends to make any structural changes to the office space.

Ms. Saleh responded no.

Member Spahn asked what percentage of the retail space would be used for storage.

Ms. Saleh replied not much and added that storage space will be per order.

Motion to approve: Algawani: Second: Zambron

All yeas carried 6-0

Item #2

Special Use Permit

Khadar Mohamed

180 Ridge Rd

Request to increase 15 allowable cars to 30 cars on lot

Khadar Mohamed representing

Mr. Mohamed stated that he is currently allowed 15 vehicles on his car lot. He added that a year after he was approved for the 15 cars, the inspector sent a letter stating he is only allowed 15 *registered* vehicles. Mr. Mohamed added that his business not only performs vehicle repairs but car inspections, as well. He stated that customers will drop their vehicles off for repairs and is asking to increase the allowable cars he is due to the fact that car parts are taking longer to ship. Mr. Mohamed stated that he is asking to increase the allowable vehicles to 30 vehicles to help the community.

Member Friend asked if there was room on the lot for 30 vehicles.

Chairwoman Galanti stated right now the lot looks pretty packed. She asked if the parking area to the right of the building is Mr. Mohamed's or is that part of the store at the corner.

Mr. Mohamed replied that he owns six (6) feet of it.

The Board discussed the other businesses in the area.

Member Smith stated she recalls complaints about on street parking.

Mr. Mohamed replied that is another reason why he would like an increase of allowable cars. He has resorted to telling customers they will need to wait up to 30 days for repairs.

Chairwoman Galanti asked if the vehicles are usually being towed or driven in.

Mr. Mohamed stated both; customers typically drive to the business for an inspection or oil change and are towed in if they have transmission or engine problems.

Member Smith inquired about the delays on car parts.

Mr. Mohamed stated he's experiencing delays on shipping and added that the current 15 car allotment is currently hurting business sales not to mention the taxes that he pays on the building every year.

Member Spahn asked Mr. Mohamed if he were to request 25 vehicles adding that it appears right now he is storing at least 22 cars that fit adequately. Member Spahn stated that doubling the allowable vehicles would not appear to work adding that it look she has some additional room on the right of the building. Member Spahn recommended that he speak with his neighbors regarding the six (6) feet of space Mr. Mohamed stated he owns.

Chairwoman Galanti stated concern about outdoor storage and debris. She stated that it appears there are a couple of debris piles in the corner by the truck and the back corner. Chairwoman Galanti asked Mr. Mohamed if he believes he has the room for a dumpster plus an additional 25 cars. She also brought up her concern on green space requirements for the site location. She added that the City of Lackawanna is attempting to improve the image of Ridge Road. Chairwoman Galanti inquired if Mr. Mohamed has the ability to fence in a section (pointing at specific section on site plan) to park damaged vehicles there.

Mr. Mohamed replied that he can install a fence and put grass on the property for additional green space. He added that he would like to finish paying off the mortgage on the building before he does so.

Member Smith asked where the intended fence would go.

Chairwoman Galanti suggested installing the fence along the side of the building and an along the front of the building on Ridge Road. She stated that it appears he would be able to fit another 14 cars there. Chairwoman Galanti then explained and pointed to Mr. Mohamed exactly where she suggested the fence be installed on the site plan.

Mr. Mohamed stated that if he were to put a gate there (pointing at site plan) he believes it would be difficult to turn vehicles around on site and exit on to Ridge Road.

The Board then discussed the back lot and the placement of cars.

Member Zambron asked Mr. Mohamed where he currently stores the cars for sale.

Mr. Mohamed responded that there are currently no cars for sale adding that should he receive approval for additional cars he intends to store nice looking cars for sale in the front of the building.

Chairwoman Galanti stated that if Mr. Mohamed were to install the fence in line with the building and store seven (7) cars within the fenced area he will still have enough room.

Councilwoman Muflahi added that the property is very clean compared to what it used to be. She stated that while she does have a complaint about the building in the back as far as their upkeep, Mr. Mohamed should not be penalized for their lack of maintenance and

debris. Councilwoman Muflahi went to on say that there is adequate space and he has done great improvements to the building. She also suggested to Mr. Mohamed that he could discuss a sub-lease for additional space from the restaurant located nearby.

Mr. George Halsey stated some cars have been on the lot for 45 days or more inside on the rack and could not be moved. He stated that the building looks much better than the previous owner who stored 30+ junk cars.

Council woman Muflahi stated that should the City of Lackawanna fix the sidewalk and curb on Ridge in front of his business it would really make the area shine. She added that that is something she can work on.

Chairwoman Galanti asked how long Mr. Mohamed has owned the building.

Mr. Mohamed replied about sixteen (16) months.

Member Spahn stated that it would be helpful for Mr. Mohamed to have a detailed plan showing exactly where he will put the additional vehicles. Member Spahn added that will help everyone because it is difficult to conceptualize.

Mr. Mohamed said he only has about eight (8) vehicles currently.

Member Smith brought up green space concerns.

Mr. Mohamed responded that he will plant grass.

Motion to approve twenty-five (25) vehicles (registered or unregistered) on the property, forgo the fence, and provide a well detailed plan of exactly where he will place each vehicle to Code Enforcement: Smith: Second: Friend

All yeas carried 6-0

Item #3

Site Plan Review

Tared Shafie

3254 South Park Ave

Requesting to switch previous approval for five (5) U-Haul trucks and add an additional five (5) cars

Tared Shafie representing

Mr. Shafie stated he wishes to remove the U-Haul trucks entirely and swap that allocation for five (5) additional cars for sale.

Chairwoman Galanti asked if Mr. Shafie has been selling cars at the location.

Mr. Shafie replied no.

Chairwoman Galanti stated that 3254 South Park was approved by the City's Zoning Board of Appeals for car sales. She asked Mr. Shafie to confirm that he is looking to

eliminate the U-Haul trucks he was previously approved for and just perform car sales, service, and retail.

Mr. Shafie replied that he only wishes to perform car sales and service, no retail. Mr. Shafie added that he was approved for five (5) cars for sale and five (5) U-Haul trucks.

Member Smith stated that was a total of ten (10).

Chairwoman Galanti asked if Mr. Shafie was approved by the Zoning Board of Appeals for this new request.

The Board discussed the previous owner and the purpose of the variance.

Chairwoman Galanti explained that the Board granted approval to the prior owner for repairs, which all Planning Board members affirmed was allowed, and that owner transitioned to leasing to Mr. Shafie. The Planning and Development Board can only approve the swap from U-Hauls to additional cars for sale in accordance with the Zoning variance.

Member Spahn inquired about a visible barrier, adding it looked like some sort of planting or fence, that along the eastern side of the property line which shows four cars for sale.

Chairwoman Galanti responded that the fencing is a condition of the Zoning Board of Appeals variance that was granted.

Kevin Surdyke, 4th Ward Councilman, started by stating he appreciates the Planning Board Members service to the City. He continued that this is the 5th time he has been in attendance for Zoning and Planning meetings on this property. He stated he is confused because he is under the impression that the land is not to be used for car sales. Councilman Surdyke added that he has the meeting minutes from January 11, 2023.

The Board discussed the previous owner of the property and car sales.

Mr. Surdyke stated the south side of the property has debris around it including damaged cars, U-Haul trucks, utility trucks, a total of twelve (12) vehicles, and a car jacked up in the middle of parking lot with the tire off. Councilman Surdyke stated that he is against having another used car lot on South Park.

Member Algawani added five (5) cars for sale and unlimited cars for repairs.

The Board suggested Mr. Shafie speak with his landlord regarding the fence and overall maintenance of the property.

Mr. Balon explained the zoning regulations for used car lots in the City of Lackawanna.

Motion to continue the approval for the five (5) used cars pending the installation of a fence, general property clean up, and referral to Zoning Board of Appeals for any additional car sales: Zambron: Second: Friend

All yeas carried 6-0

Item #4

Site Plan Review

Kevin Kirk/Uniland

8 Dona St

Max Advance Brake to occupy 151,200 SF
for storage and offices

Kevin Kirk representing

Mr. Kirk stated they have another tenant at 8 Dona St, Max Advanced Brakes, who will be occupying 43,000 sq. ft. of space including office space and the remaining for warehouse space. He added that Max Advanced Breaks is a Canadian company headquartered in Ontario and the location here will serve as a distribution center. Mr. Kirk added the company will employ twenty (20) people.

Member Algawani asked if the company is adding more jobs to the community or is the company moving current employees here.

Mr. Kirk stated they will be adding local jobs.

Member Smith inquired about the construction hours of the additional new build located just north of 8 Dona Street.

Mr. Kirk responded Uniland is just beginning foundation work, construction is anticipated to take about eight (8) months, and construction hours are 7:30am to 3:30pm.

Chairwoman Galanti inquired about additional construction on 8 Dona Street.

Mr. Kirk replied they have 24,000 sq. ft. of office build out.

Member Spahn asked is any of the original plans for the exterior have changed.

Mr. Kirk state no, it is interior only, and Uniland will be adding the company's signage.

Motion to approve: Spahn: Second: Algawani

Motion to issue on Neg Dec: Smith Second: Spahn

All yeas carried 6-0

Item#5

Site Plan Review

Autunovich & Associates

539 Ridge Rd

Requesting to construct a mixed-use building

Julian Looney representing

Mr. Looney started by explaining the company had revised the submitted design because of feasibility issues. He continued to say that the design prior was it was a donut design with a concrete podium unfeasible in this economic climate which necessitated the adjustments while still maintaining the intended look of the building on Ridge Rd and Center St. He added the company wishes to impact the image and street presence of the area with an L-shaped building design which would additionally create a more efficient on-site parking lot. Mr. Looney continued that this design allows for less on-site parking spots. He continued that there is still 120,000 sq. ft. of mixed-use development with 100,000 sq. ft. for residential housing, 55 parking spaces, and 6,200 sq. ft of commercial space with an attractive front façade of commercial space along Ridge Rd. The main reason for the change in design is to achieve a stick construction without a concrete podium which is essential to making the project financially feasible for the company. The new design includes brick, metal panels, and a modern-industrial look that will blend in with the city of Lackawanna. Mr. Looney stated he was able to fit 142 residential units in a new design which is half of the one prior. He continued that he is exploring changing two-bedroom units to one-bedroom units.

Member Spahn added he remembers three (3) bedroom units on the other plans that were submitted.

Mr. Looney responded that there is a range from one (1) bedroom to two (2) bedrooms varying from 1000 sq. feet to 1300 sq. feet. He added that some units might still be three (3) bedrooms.

Member Smith stated she is concerned with the large number of studios and asked if the company is in the process of conducting any demographic studies.

Mr. Looney replied yes.

The Board discussed market rates on condos and apartments.

The Board discussed the flooring and basement of the building.

Chairwoman Galanti inquired about the windows, specifically if they are block windows with enough lighting for units.

Mr. Looney explained the floor plans, the parking, the intended patio area, and discussed the square footage for one (1), two (2), and three (3) bedrooms. He also explained the PTAC and VTAC options.

Member Smith inquired about waste management.

Mr. Looney replied that there will be a trash chute (showing the Board where it will be on the plans). He also added that trash pickup will be through a private company.

Member Spahn ask if the windows on the lower will be operable and maintained as well as the windows on the upper units.

Mr. Looney replied that all windows will be operable to a various degree to provide air flow for the units.

Member Spahn inquired about handicapped parking and the Zoning Board of Appeals parking variance granted.

Mr. Balon added that there are sixty (60) spots across the street on the municipally owned parking lot available for their use.

Mr. Looney showed the Board (on the plans) where the handicapped parking will be and the additional parking across the street on Ridge Rd.

Member Smith asked about the utility rooms for the building.

Mr. Looney showed the Board (on the plans) where the utilities and utility rooms will be located.

Chairwoman Galanti asked Mr. Looney if he is grading the front space in addition to grading the lower level of the building.

Mr. Looney responded no.

The Board discussed the VTAC system in relation to the windows.

Member Friend wanted to discuss parking more.

Mr. Looney stated he has every intention of developing and maintaining relationships with nearby parking lot owners, specifically the Catholic Charities parking lot directly south of the building.

Chairwoman Galanti inquired about adding a traffic light at the corner of Center St.

Mr. Balon stated that the Mayor was looking into it.

The Board discussed an additional street light on Ridge and Center Street.

The Board unanimously agreed and recommended the City of Lackawanna install a traffic light at the corner of Center and Ridge for pedestrian safety concerns.

Motion to approve the Neg Dec: Sphan: Second: Friend

All yeas carried 6-0

Motion to approve plans as presented with the addition of the handicap parking:
Algawani: Second: Spahn All yeas carried 6-0

Item #6

Special Use Permit

Daniel Lewis

33-34 Wilkesbarre Ave

Site Plan Review for rooming house

George Halsey representing

Mr. Halsey began by explaining that this agenda item is intended to allow the Church to continue to provide residential services for rooms to one of the business that is located on the former Bethlehem Steel Plant, Sucro Sourcing. He continued that the Church is currently housing eleven (11) individuals at the site, and all fire and code issues previously discussed have been resolved. Mr. Halsey added that the Special Use Permit the Church is seeking is intended only last for the life of the lease with Sucro Sourcing. He added that he wishes to make that clear due to a number of issues raised at prior Zoning Board of Appeals meetings. Mr. Halsey stated on the record the 33-43 Wilkesbarre will never be a woman shelter which was the issue that was raised at the Zoning Board of Appeals meeting that he resigned his membership from in order to defend the Church. Mr. Halsey continued saying that there is one code issue with fire and Code Enforcement, namely, the glass brick window. He stated that has not been resolved yet due to the Church waiting for the weather. Mr. Halsey continued that the window should be removed and replaced within the next two to three weeks.

Member Smith inquired about the glass block window; which she recalls must be removed

Mr. Halsey replied yes and that window must be replaced with an egress window.

Chairwoman Galanti asked if that is the window at the corner of the building at ground level.

Mr. Halsey replied no, that it is located in the back of the building. He added that there were four (4) windows that were not egress windows and the Church has already replaced 3. He continued on that to will take a day to remove the window and another day to put the replacement in.

Chairwoman Galanti asked if the room with the window out of compliance was used for sleeping quarters.

Mr. Halsey responded it is not being used for living space currently; once fire and safety came in and identified the issues, the Church moved them to another room.

Chairwoman Galanti stated the City Attorney has gone through everything and there were some questions.

Mr. Balon explained a special use permit mentioned that the Planning and Development Board may revoke a Special Use Permit at any time for not following rules and regulations, adding the special use permit sticks with the owner of the property and not the land.

Member Algawani asked how many rooms does the Church intend to have for the renters, adding that the site plan shows office space. He asked Mr. Halsey is he has a site plan showing each residential unit.

Mr. Halsey replied that the offices are the residential rooms, each of which were converted into rooms for each individual.

Member Algawani asked if there are common bathrooms for tenants.

Mr. Halsey said there are three (3) showers and the Church will be adding one more shower per Code Enforcement.

Member Algawani asked how many residential rooms does the Church plan on having.

Mr. Halsey responded there are eleven (11) tenants staying there.

Member Algawani asked if the Church currently has tenants already living there.

Mr. Halsey replied yes.

Member Algawani asked Mr. Halsey how he and the Church are allowing tenants to live there already without proper permits or approvals by the Planning and Development Board.

Mr. Halsey stated this arrangement was put together by the former Director of Development. When the Church found out that they were not in compliance, he stated that compliance measures were taken to make sure it was. Mr. Halsey reiterated that the relationship with Sucro Sourcing was set up by the former Director of Development who put everything in place and a phone call was made.

Member Algawani asked the current Director of Development if she was aware of this arrangement.

Ms. Jednak said she cannot speak to what went on prior to her and she was not made aware of any such arrangement at 33-34 Wilkesbarre.

Member Algawani asked if anyone can answer how the Church would think that they can alter the use of a building without obtaining the proper permits and authorization. He added that strikes him as unusual and abnormal.

Mr. Balon explained that the Church is now seeking to make the arrangement legal which has taken some time.

Member Algawani stated that he would like the applicant to answer, adding that he wants to get a professional opinion from the City of Lackawanna.

Mr. Balon added, "...like the City Attorney said, people do stuff without asking."

Member Algawani stated, "We don't shut anyone down, we allow."

Mr. Balon stated that things like this happen all of the time giving examples such as unregistered businesses and homeowner's remodeling apartments without permits. He stated the best the City of Lackawanna can do is catch them in the act and require compliance. Mr. Balon also added that a substantial part of code enforcement involves driving around to look for any issues of noncompliance.

Member Algawani asked if a business or homeowner does not apply for a permit does the City of Lackawanna shut the job down first until the proper permits are issued.

Mr. Balon responded yes, adding that Code Enforcement will typically give them time until they go through the proper channels to obtain the required permits which the Church in question is attempting to do. He concluded that the Church's applications to rectify that Zoning and Planning Board applications were delayed a few months, as well.

Member Algawani asked if there are safety issues with a building like this. He added that there should be fire exits and alarms.

Mr. Balon responded that Code Enforcement inspected the building several times along with the Fire Marshall. The Church needed to install fire egress windows, smoke detectors, carbon monoxide detectors and fire extinguishers. Mr. Balon concluded that the Church complied with everything that was requested.

Member Spahn inquired about a change of occupancy as it relates to NYS Building Code requirements.

Mr. Balon replied that the agenda item is not a change of occupancy, rather a Special Use permit.

Member Spahn stated that aside from Zoning and Planning requirements NYS Building Code states that if you change space from an office to any kind of residential use, whether transient or permanent occupancy, there are numerous code items to be addressed.

Member Algawani stated that no one should be living in the building without the change of occupancy and the building code compliance.

Member Smith added that this goes back a couple of months when the Church first came to the Planning and Zoning Board of Appeals.

Member Algawani stated there are people living in there, adding that the Church opened a rental business and began housing tenants in there.

Member Smith added that the Fire Marshall and Code Enforcement inspected numerous times and provided the Church with a long list of things needed to be done to bring it up to code which the Church complied with.

Member Algawani stated that Mr. Halsey should be presenting architectural drawings of what he plans on doing with the building, not just providing plans of the old layout.

Member Smith stated that under normal circumstances architectural drawings are required when there is a change to something.

Member Algawani then asked if the applicant is changing an office building into living quarters.

Member Smith stated that no structural changes were made.

All Board members began speaking at the same time.

Member Algawani asked where the architectural drawings are.

Member Smith reiterated that the City provided the Church with a list of things that needed to be done to bring it up to residential code.

Member Algawani stated that is not the City's job right now. He added that architectural drawings must be presented for the change of use.

Member Smith stated that she believes it is, in fact, the City's job.

Member Algawani stated the architectural drawings are what the Planning Board can approve or not approve. He added that loose plans on what the Church intends to do is not sufficient.

Member Smith stated the drawings were presented months ago.

Member Algawani replied that he wasn't a board member months ago, he can only attest to what is presented to him now, and that he doesn't see any architectural plans.

Member Smith stated that Member Algawani was a board member at the time.

Member Algawani stated that he has never looked at this building plans and this agenda item was never in front of him.

Member Smith stated that perhaps he wasn't in attendance at that specific meeting.

Chairwoman Galanti added that because of the legal and zoning questions that arose, the Planning and Development Board tabled the agenda items.

Member Algawani replied that the Planning and Development Board should finish what it is attempting to approve and without architectural drawings this agenda item is premature. He continued that he doesn't have the correct information to review. The Planning and Development Board will need to know where bathrooms, living quarters, doors, and electrical outlets are. He stated he is not sure if this is new to everyone but the Planning Board needs architectural drawings when putting a project together.

Chairwoman Galanti asked Member Algawani to stop. She continued that what the Planning and Development Boards needs to know is where the bedrooms, bathrooms and showers are located, and if there a kitchen. Chairwoman Galanti stated that in order for the Board to approve the permit, they will need more details to be presented.

The Board discussed the previous Planning and Zoning Board of Appeals meetings relating to the applicant.

Mr. Halsey explained again what was told by the former Director of Development.

The Board discussed the need for a Certificate of Occupancy.

Mr. Halsey suggested that the Board table the agenda items so he can return back with all of the information that they are requesting.

Member Algawani stated that the building should be vacant until further notice.

Mr. Halsey stated that he understands the Planning Board's position, but they have to understand the Church position. The Church did not willfully intend to do anything disrespectful to the City.

Member Algawani reiterated the need for architectural drawings.

Member Spahn explained the process and the change of use.

Chairwoman Galanti stated the Planning and Development Board will need the layout of the building and cannot approve any special use permit until all paper work has been submitted.

Councilwoman Muflahi discussed the issues with the site location and the Church in the past.

Chairwoman Galanti stated that Mr. Halsey will need to get the drawings to the Board for approval.

Motion to table: Smith: Second: Friend

All yeas carried 6-0

Motion to adjourn: Galanti: Second: Smith

All yeas carried 6-0