



PLANNING AND DEVELOPMENT BOARD

Meeting Minutes
Tuesday July 30, 2024

Opening:

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

Present: Spahn, Geercken, Smith, Zambron

Excused: Galanti, Friend

No Show-No Call - Algawani

Motion for Robert Spahn as substitute Chairman: Zambron: Second: Smith

All yeas carried 4-0

Motion to approve minutes for the meeting on 6/26/24: Smith: Second: Zambron

All yeas carried 4-0

New Business

Item #1

Site Plan Review

Mostafa Tanbakuchi

477 Ridge Rd

Parking site plan approval for furniture store

Mostafa Tanbakuchi representing

Mr. Tanbakuchi stated we are changing the warehouse into a retail store.

Mr. Balon said it was about parking

Chairmen Spahn stated this item came before the Board and there were changes to be made to the plans for parking. Discussed was handicap, curb cut, parking on Ridge Rd and a two way driveway on Ridge Rd. What is the width of the curb cut on Ridge Rd?

Mr. Tanbakuchi said 27 feet enough to go in and out and you will enter at 469 on the side of the building and the first parking lot will be 60 feet from the curb cut. At this point there is not much activity, but as the business grows we will do more parking.

Chairman Spahn ask is the curb cut a one way or two way

Mr. Tanbakuchi said they will come in and go out on Caldwell

Chairman Spahn said you will enter only from Ridge and existing where on Caldwell

Mr. Tanbakuchi said straight down to the end of the street and at 469 Ridge you have about 70 feet frontage on Caldwell.

Chairman Spahn said you have 14 parking spaces all are 10x20 ft and one 15x20, is the 15x20 going to be a handicap space and will the parking area be stone or paved.

Mr. Tanbakuchi said stone

Chairman Spahn stated there are conditions with the handicap space that are required by the Americans with Disability Act in terms of travel, etc

Member Smith ask does the CSX own the majority of that property and how far over is CSX

Mr. Tanbakuchi said from the building he has 125 feet which is 469 Ridge Rd and going west 73 ft.

Member Smith said the building was a furniture store and people used the lot across the street, so why can't he use the municipal lot

Mr. Hayes said the municipal is actually is Buffalo property line and comes up to the sidewalk

Member Smith said he would have to ask the City of Buffalo

Chairman Spahn said it is part of the Botanical Gardens

Mr. Clark stated he has spoken with the City of Buffalo many times about approval of parking. The commentary that he was told during normal business hours 8am to 6pm that is an open parking lot, so that small patch at the entry off of Ridge plus the Memorial Field parking lot is parking for anybody during the business day.

Jeff Marion City Attorney stated long as they don't post any signs

Member Smith said if those spaces were taken into consideration would that free up some of the requirement that for the spots on his property

Chairman Spahn ask the number of spaces represented would meet the requirements of the Zoning Code

Mr. Balon said well over he has more than enough space

Chairman Spahn said the percentage of green space is not on the plan

Mr. Tanbakuchi said there is tons of space and there is green space where the parking is with trees

Chairman Spahn ask can he identify a plan that shows green space or a area dictated to green space

Mr. Tanbakuchi said more than happy to meet the requirements

Mr. Balon said most zoning is 20% and this is central business district not sure if green space is required in central business district

Member Zambron stated looking at the goggle picture he owns all of this

Mr. Tanbakuchi said he owns four parcels 469, 477 and I own number 2 and 6 on Caldwell

Member Zambron said for the green does this apply to or different parcels

Mr. Balon said he looked it up and no requirements for green space in the central business district

Chairman Spahn has concerns about the handicap excess and as a wheel chair person what path would be taken to get from the parking lot to the main entrance to the store. Documentation for the handicap excess and confirm with the building department.

Mr. Clark ask to clarify the handicap excess

Chairman Spahn explained the requirement for the handicap space would be 24 or 25 or less and would require one space. There is width requirement and aisle way associated with that space. This is for a person to come and go in the vehicle and it is a striped aisle way that is part of the sign that you would see with handicap.

Mr. Tanbakuchi said there is a bridge next to me one side is the building and the side is the bridge. I have the opening and be more than happy to put striping, but the curb cut is all ready there and I can't move the bridge or the building.

Chairman Spahn said for this person to leave that space you can't make them go into traffic, so you need to provide space at the front of the building or next to the space with a path so they can go in. It is about protecting the person that is coming and going from that space.

Mr. Tanbakuchi said he will be happy to do that, but need time and I commit to doing it.

Motion with regard to site plan approval for the parking issue and three conditions:

1. Curb cut on Ridge Rd, 2. Curb cut on Caldwell is exit only, 3. There 14 parking spaces included one need to be ADA compliant and accessible: Smith: Second: Geercken

All yeas carried 4-0

Item #2

Site Plan Review

Mansoor Saleh

119 Wilkesbarre Ave

Requesting change of use from a store to restaurant
and a variance for parking

Mansoor Saleh representing

Mr. Saleh stated he purchase the property in 8/2007 operating a deli and kitchen in that space for about 7 years. Kept the building and leased it to other people and recently it became available in the past two years. I plan on reopening it without the deli and just keep the kitchen as a restaurant. I will have seating on the inside with eight seats in the front with high chairs and in the future to put a couple of chairs on the side of the building in the summer.

Mr. Hayes stated that he got a variance for three spaces due to no parking on the property. He does have a letter from the Mosque to use their parking lot across the side street, which he donated years ago.

Member Smith said the only issue with that is any type of meeting at the Mosque or any event the parking lot goes mute, because the cars are on both side of the street this has been an ongoing issue with emergency services getting down Wilkesbarre whenever there's something at the Mosque. I saw the letter from Mosque and in addition to the parking on the street. Also did they approve parking on the side of the building?

Mr. Hayes said on the building or property side no

Mr. Clark ask the drawing the Ms. Smith pointed out are you implying there that would be parking or is that your drawing for where tables and chairs would have been.

Mr. Saleh said that is where the tables and chairs will be. When I purchased the property that area was enclosed and I took it down.

Mr. Clark said for clarity there was no parking approve

Mr. Saleh said no

Member Smith ask about the sidewalk

Mr. Saleh said there's a plan trying to get permits for the concrete sidewalks around the whole building front and side, there is where the tables and chairs will be.

Chairman Spahn ask if the tables and chairs will be on the City right of way

Mr. Saleh replied no, it will be only on his property

Chairman Spahn ask the occupancy for the business is eight seats total

Mr. Saleh replied 6 to 8 seats inside

Chairman Spahn ask is it sit down dining or part of your retail experience

Mr. Saleh said it will be both, people waiting for food and have a snack

Member Smith ask where would your property line verse the sidewalk

Mr. Saleh showing on the picture

Member Smith is concern about parking

Mr. Clark stated that parking should be discuss at the Zoning meeting

Mr. Saleh replied they were open for years before the parking lot was paved and there were no issues with the parking

Chairman Spahn stated there is no drawing regarding the tables outside

Mr. Saleh said there is a drawing of the table on the picture

Mr. Clark suggested to the Board that he return with a plan for the outside seating

Member Zambron said she is not comfortable with the outside seating

Motion to approve without outdoor seating: Geercken: Second: Zambron

Yeas 3 Nays 1 carried 3-1

Item #3

Site Plan Review

Stephanie Hunt

227 Ridge Rd

Interior renovations of existing medical office building

Blake Cambell, Stephanie Hunt and Caroline P representing

Ms. Hunt explained they are not doing a whole lot on the site just masonry repairs, window lenthils, maybe new windows and handicap parking. It was a medical office building and has been vacate for some time. This will be a new medical building for community health.

Board review the plans

Member Smith ask what is different

Ms. Hunt said they didn't have dental

Member Friend ask what else other than dental

Mr. Cambell said primary care, family planning, pediatric and dental

Member Friend asks is this a second location

Mr. Cambell said fifth

Member Smith said down stairs all employee space

Ms. Hunt replied yes and it was use that way prior to

Mr. Clark ask no involvement with the additional piece of property that you bought the top of the L square

Mr. Cambell said no, that is not ours

Mr. Clark replied I believe you bought it, that vacant parcel of land just east of your building was a City own lot and sold to the organization you represent for additional parking expansion.

Member Smith ask about the trash

Ms. Hunt showed on the plans

Chairman Spahn stated no curb cuts on the plan and the spacing indicated in the parking lot area has no diminution and can that be a one way drive. It doesn't look wide enough for back out

Member Smith said it has always been parking for that building

Chairman Spahn said we are being asked to review existing conditions that show parking, bumper stops, handicap striping on the City right of way and is there a legal agreement or easement

Ms. Hunt replied we have not allowed or granted the use of right of way

Mr. Clark stated never been an issue when Catholic Health was there that I am aware of

Chairman Spahn stated if there is a motion to approve with notes or without notes that item be review by the Council or legal parties

Member Smith said are you concern that the bumpers are impeding on to the City right of way

Chairman Spahn said my concern is that we should avoid approving a document that shows vehicles emproaching on that right of way

Board discuss the right of way

Chairman Spahn said you can approve on the way this was drawn with the stipulation they would still need legal approval from the City

Jeff Marion said before approval we may have to adjourn this matter

Chairman Spahn suggested resign the parking

Caroline P stated the only exterior improvement that was budget for the interior renovations and there was nothing to be done to the parking lot. If that is required we can go back to an engineer to redesign and at this time we have no exterior improvement other than the lentils.

Jeff Marion said this issue has to be resolved we can't have part of your property emproaching on the City property.

Board discuss the bumpers

Member Zambron said reading my agenda it says interior renovation

Jeff Marion said no problem with the interior, it's the exterior

Motion to adjourn for 30 days: Zambron: Second: Geercken

All yeas carried 4-0

Item #4

Site Plan Review

Kevin Kania

1385 Abbott Rd

Conversion from vape shop to New York State

Licensed Dispensary

Mr. Charles Clark- Director of Development explained Item #4

Mr. Clark stated the City did not opt out of the State Legislation which allowed the City to participate in having cannabis activity within the City and within the parameters of the City Code and State Code. Distance away from churches, schools, playgrounds and the reason we didn't opt out is because of the financial benefit of what cannabis sales mean to a City and the County there is a 4% tax on every sale that is made 75% of the revenue goes to the City and 25% or 1% of the 4% goes to Erie County. It is a benefit having the business in the City. The property at 1385 Abbott Rd is the long time home of Yeti Vape, they been there for 11 years and prior to that it was home to a pharmacy. The business activity of that site has always been store front retail in a neighborhood commercial zone. The Zoning Board approved a parking variance for three spots and while Yeti Vape was operating there haven't been any issues. One of the Zoning Board members brought up a point about the distance from the Islamic Center at Abbott and Fernald. The center doesn't qualify within the restriction of the State Code. The definition of a public or youth facility means a location or structure owned by a government sub division or agency that is accessible to the public for the primary purpose is to provide recreational opportunity and services to children for whom the primary population is 17 years or younger. That does not discount the privately owned community center owned by the Islamic Mosque. It also does not be effected by the community service for everyone operation to the funeral home that is not a State run non for profit and does not fall under this jurisdiction of this definition. 1385 is not within any other boundaries of school, mosques, churches or playgrounds and they are in the right zone. This is a long time business that has run successfully and what is before you is the approval of the special use permit and site plan review.

Member Smith you made this for us before

Mr. Clark said it is guidance for the State Law and City Ordinance are detailed

Mark Pepe, Karen Pepe, Kevin Kania and Josh

Mr. Clark said there was a clerical error in the Zoning Board Agenda; their special use permit was approved by the Zoning Board pending ratification at a special hearing to be held on 8/13/24. If you are approving the special use permit as a Board you are doing it on a contingently on a special meeting

Chairman Spahn stated it was a survey provided dated 7/22/24 the parking currently in place is that part of an adjacent parcel, is that a separate owner

Jeff Marion stated this has been discussed the parking variance has been approved

Mark Pepe said they are not changing the exterior of the building just the products we sell inside the building

Chairman Spahn said the survey in this package looks different than the other attachments

Board discuss regulations

Member Smith ask how do the tenants get upstairs

Mr. Kania said the side door and the doors to the store are thick doors

Member Zambron ask what zone is this in

Mr. Balon said neighborhood commercial

Member Smith ask in the secure area is that where the inventory is

Mr. Kania said the back is 26 feet wide with glass block windows, steel doors and the entire building is solid brick

Mr. Clark stated this is a dispensary only

Member Zambron said anybody can walk in and how many people can be in there at once

Mr. Pepe said it could be five or more there is no limit

Motion pending Zoning Board and Planning Board approval at the special meeting to be held on 4/13/24: Smith: Second: Geercken

All yeas carried 4-0

Mr. Clark stated to the owner and tenants they are 90% there and if everything would have passed this evening the next step would be to get your business registration.

Mr. Clark suggested that they hold off on the business registration until the special meeting is schedule.

Motion to adjourn Item #5 until the next meeting on 4/13/24: Zambron:

Second: Geercken

All yeas Carried 4-0

Motion to adjourn: Geercken: Second: Zambron

All yeas carried 4-0