



PLANNING AND DEVELOPMENT BOARD

Meeting Minutes
Wednesday September 25, 2024

Opening:

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

Present: Galanti, Geercken, Friend, Zambron, DeSantis, Smith

Excused: Algawani

Motion to approve minutes for the meeting on 8/27/24 and add Michael Algawani to the attendance list: Smith: Second: Geercken

All yeas carried 6-0

New Business

Item #1

Site Plan Review

Stephanie Hunt
227 Ridge Rd
Medical Office Revision
NC Neighborhood Commercial

Stephanie Hunt, Malik Campbell, Carolyn Vasukio representing Chairwoman

Galanti stated we review this before

Member Geercken said it was just the parking

Member Smith said we approved the interior

Member Geercken said it was an issue with the City easement and the parking lot

Mr. Clark stated they went before the Zoning Board and was approved for a 7 space variance

Ms. Hunt said they rotated the parking and lost 7 spaces and we are at 25 now

Chairwoman Galanti asked are they doing anything else to the lot such as landscape, guard rails and painting

Ms. Hunt said stripping

Member Smith ask who is responsible for the sidewalks

Mr. Balon said the owner has to maintain the sidewalks

Member Smith ask what will be done about the sidewalks and the concrete is broken in several areas

Ms. Hunt said nothing is shown right now in the plans

Member Smith said did you see the sidewalks are broken

Ms. Hunt replied yes

Member Smith stated if this is going to be a clinic with people in wheelchairs with handicap abilities how will they get over that with ease when coming down Wilkesbarre

Member DeSantis said if they take ownership of the property all liability falls on them if somebody gets hurt and would be in their best interest to repair the sidewalks before as part of the project.

Ms. Hunt stated they can discuss it with the client and at the time we didn't have bids for it.

Member Smith if Mr. Campbell if he is aware of the sidewalks and do they have plans

Mr. Campbell yes he is aware of the sidewalks and no plans at this time and we originally came in for the interior, not about the parking lot

Chairwoman Galanti ask if there are any code regarding the maintaining of the sidewalks

Mr. Balon stated we could write up a property for crack or dangerous, but we don't go out looking for problems like that but if someone complains we will write them up

Member Smith said she is more concerned about the patients that have to use the parking lot

Motion to approve parking; Zambron; Second: Friend

All yeas carried 6-0

Item #2

Site Plan Review

Adam Baldwin
954 Ridge Rd
Remodeling existing building to accommodate new
Domino's Pizza Store
NC Neighborhood Commercial

Adam Baldwin representing

Mr. Baldwin explained he is proposing to put a Domino's Pizza at 954 Ridge Rd.

Chairwoman Galanti said you are going to occupy the southern end and do you own the building

Mr. Baldwin said yes

Chairwoman Galanti ask in terms of the interior plan we have 2 drawing that are different

Mr. Baldwin said he has drawing from the architect and they are working on mechanics now

Member Smith ask if it is eat in

Mr. Baldwin said takeout and delivery

Chairwoman Galanti said you are taking down existing interior wall

Mr. Baldwin said we are adding interior walls showing on plans the wall that will be taken down

Chairwoman Galanti ask about air condition or compressor

Mr. Baldwin said we have to add an air condition unit the way the property is the place we can put it near the Ridge Rd side and we are doing electric, the water ties in with the meter, the sewer runs under the back of the building

Chairwoman Galanti ask if the HVAC system will be fenced in

Mr. Baldwin said yes there will be a fence around it

Member Smith ask if the dumpster is shared with the other locations

Mr. Baldwin said they have units for the other locations and on the side (showing on Plans) an emergency door where the AC will be on slabs, the landlord will trim the trees

Member Zambron ask about the hours of operation

Mr. Baldwin replied the hours are 10:30am to 12:00pm Sunday thru Thursday and 10:30am to 1:00am Friday thru Saturday

Board discuss the stores that Mr. Baldwin has opened

Member Smith ask when will he be open for operations

Mr. Baldwin said just after Christmas

Motion to approve the plans as presented: Geercken: Second: Smith

All yeas carried 6-0

Item #3

Minor Subdivision

Guy J. Agostinelli, ESQ

1951 and 2303 Hamburg Turnpike

Minor subdivision SUCRO Expansion within the
Renaissance Commerce Park

Guy J. Agostinelli representing

Mr. Agostinelli stated he represent SURCO which has 3or4 building in the park and they propose to do is enter into a contract with Buffalo & Erie County Industrial Land Corp. They are proposing to purchase an adjoining 10 acre parcel from the ILDC and since it is a larger part of the parcel that the ILDC owns we need the approval from the Planning Board for the subdivision.

Chairwoman Galanti said on the aerials provided it shows the SUCRO facility and a small area is the property limits or disconnected

Mr. Agostinelli replied they will be connected (showing on survey) their property. The property we are purchasing is 9.98acre (showing on survey) our property adjoins to the west and we have access from our existing property. The company has refurbished the building around the property and added a storage facility.

Mr. Clark stated SURCO property is in the Bethlehem Redevelopment and not Commerce Park. The only place they could expand is into Commerce Park which is about 200 acres and when people buy a parcel they are sold a puzzle piece. The reason they are asking for the subdivision is curving out 10 acres of the undeveloped portion of the Park that is near the existing facility

Motion to approve the subdivision as presented: Friend: Second: Geercken

All yeas carried 6-0

Item #4

OLV Historic District

Overlay

Charles Clark Director of Development

Thomas Voigt Planner

C&s Companies

Mr. Voigt stated he is the planner for C& S Engineers on behalf of the City of Lackawanna Overlay District for the OLV Campus. This is pertaining to any properties that the City finds historically appropriate such as the Library. The purpose of the district is to provide additional protections to the National Land Mark site. When we first start writing was just to map the district on the National Land Mark and if the City feel it's appropriate it can be expanded. It will require additional architectural standards for future development on the site. There will be more restrictive general development standards and increased Planning Board approval criteria. Also, what is included in the district is the biggest change from the central business district is more prohibited uses for the potential future development on the OLV campus needs to be architecturally significant. The types of uses recommended to be prohibited are retail, hotels, restaurants, offices and those don't fit in a National Land Mark site like the OLV campus.

Chairwoman Galanti said this overlay district encompasses the old OLV hospital and it has a nursing home, apartments and other medical facilities. When you say professional offices

Mr. Voigt replied as a principal use multifamily and the hospital functions still allowed in the business district. Those professional offices and some of the uses that are already there will still be permitted, so when they get to that level of principal use they become different forms of development then what's there already

Chairwoman Galanti said if a coffee vender wants to put in a lunch counter that is acceptable, but they can't get a free standing

Mr. Voigt replied correct, the central business standards dimensionally will still apply and this is the only change the uses. Introduce public parking because of the turbulence with the Diocese of Buffalo and if the OLV campus does stop operating as it does today there is a parking lot that will be vacant. The City can capitalize on that if they would like to for the central business district and would be a great asset to the City. We are introducing that as an accessory use to the building that are there today.

For general development standards front yard fencing is prohibited and pole, window signage is prohibited and appropriate for the OLV campus. Architectural standards we want to preserve the integrity & style of the OLV campus, if somebody was to propose a new structure that would have to match the building material and architectural style of the campus. As far as the approval of the Planning Board a couple of additional criteria when you look at site plans some of the criteria is from the actual submittal so any new structure that will be on the campus is required to submit architectural elevations and building materials in color. Approving a site plan there are 3 new standards which are consistent with NYS Historic Preservation Office Standards for architectural consistence in Historic Land Marks.

Mr. Clark said within the zoning project they will look at whether or not being a certified local government is particle for Lackawanna and what that might mean for the next evolution voice.

Mr. Voigt said C&S is now doing the zoning rewrite with the City and part of the process will scrutinize the historical assets in the community to see what can be done to protect and preserve or maybe expand. The certified local government procedure through NYS exist in historic preservation office for the City that says you can conduct historic preservation practices on your own and do local land mark designations within your zoning.

Mr. Voigt stated he is here tonight seeking a recommendation on the text amendment, SEQR and will be in front of the City Council for their approval or denial on the text amendment and SEQR.

Chairwoman Galanti said a lot of the SEQR pages were not completed

Mr. Voigt said very different procedure for actual development and not a planning document

Chairwoman Galanti said just looking for a recommendation to the City Council to adopt the SEQR declaration and the language to the City Code

Motion to recommend to the Council: DeSantis; Second: Zambron

All yeas carried 6-0

Item #5

Director of

Development

Regulating Short Term Rental Properties

Mr. Clark stated prior meeting we introduce the notion that we as a City do not have any ordinance to enforce AB&B. At the last meeting it was just a discussion document to show the City Council, Mayor and other how this might be enforced City wide. It was just a discussion document and not a ordinance. AB&B is a business in other counties and they make you register the short term properties and give you a number. At the end of the year you have to pay occupancy tax base upon self reported numbers. If you do this and add the enforcement you would need to make sure you're in the right areas and have the operational capacity to code enforce and collect the occupancy tax. You must manage the certification process along with registering the property. It is almost like the rental registration process but on a higher level. The zoning areas are from the City Code and looking at the ones marked in red there is a reason behind them. We are trying to maintain integrity in the residential areas. We have to regulate AB&B that are here and get something on the books where they can operate legally. If the Council determines that we are not putting them in certain areas and they are operating there it would be illegal and they would be shut down. The Town of Lewiston came up with a VRBO & AB&B policy and shut down these operations.

Member Smith ask what is the occupancy tax base on

Mr. Clark said based on the rental income and self reported

Member Smith said the occupancy tax would be from the City

Mr. Clark said example in Chautauqua county you self report it and if you made 10,000 in rental income they charge a 5% occupancy tax that you pay to the County and not reporting will go on your taxes.

Board discuss fines, complaints and a cost to for AB&B in the City

Motion to recommend to the Council to not allow short term rentals AB&B VRBO:
DeSantis: Second: Geercken

All yeas carried 6-0

Motion to adjourn: Friend: second: Zambron

All yeas carried 6-0