

**CERTIFICATION OF ACTION TAKEN AT COUNCIL MEETING**

**TO: Director of Development/Marketing**

**RE: Requests the City Council Approve the Rezoning Recommendation for Various Private Parcels on South Park, Electric and Myrtle Avenues. The Current Open Space Designation of These Parcels is Incompatible with the Land Use Definitions for These Areas Outlined in the City's Comprehensive Plan – Communication #8.**

I, Grace Marrano, 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 October 21, 2024 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 Muflahi to Approve the Commencement of the Rezoning Procedure.**

**Yeas: Muflahi, Anderson, Moretti, Marrano**

**Carried: 4-0**

**Dated: Lackawanna, New York**

**October 21, 2024**

**Office of the City Clerk**



**Grace Marrano**

**City Clerk**

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

**CHARLES CLARK**  
Director of Development, Marketing  
& Public Information



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8

To: Frederic Marrano, Council President  
From: Charles D. Clark, Director  
Date: August 17, 2024  
Re: Rezoning Recommendation for Various Private Parcels on South Park, Electric and Myrtle Avenues

The Department of Development requests the City Council's consideration of the following *rezoning action* during their October 21, 2024 meeting:

Location	Owner	Current Zoning	Proposed Zoning
3365 & 3375 South Park Avenue.	TGA Industries Inc	Open Space	Neighborhood Commercial
1864 Electric Avenue & 3365 South Park Rear	Eileen Fucina	Open Space	Mixed Residential
0 Electric Avenue	Arlene Brown	Open Space	Mixed Residential
0 Myrtle Avenue End	Brian Murphy	Open Space	Mixed Residential

The current Open Space designation of these private parcels is incompatible with the land use definitions for these areas as outlined in the city's Comprehensive Plan crafted in 2016 and the attached 2019 zoning map – thereby hindering appropriate development and/or future sale.

Attached is a supporting letter from C&S Companies, who was selected earlier this year to lead a grant-funded project to update the city's Zoning Code. As noted in the communication, Phase I environmental tests were completed on three of the four ownership parcels within the past few years. These tests indicate the high likelihood of soil contamination on the parcels given their close proximity to former industrial / railroad lands.

The recommended rezoning of these parcels would NOT absolve the current or future owners from completing Phase II environmental testing at their expense for any planned development, which is a requirement of any site plans presented to the city Planning Board in accordance with SEQR.

The first step in the rezoning process is the scheduling of a public meeting, which we would anticipate occurring on or around November 13<sup>th</sup>, pending City Council approval. Based on the outcome of that meeting, a rezoning resolution would be presented for City Council action before year-end 2024.

Full consideration of this request by the City Council is appreciated.

*Charles D. Clark*

OCT 17 2024 AM 10:18



**C&S Companies**  
141 Elm Street  
Suite 100  
Buffalo, NY 14203  
p: (716) 847-1630  
www.cscos.com

October 14, 2024

**RE:** Rezoning inquiry for the parcels located at 3375 & 3365 South Park Avenue, 1864 Electric Avenue, 3365 South Park Avenue Rear, 0 Myrtle Avenue End, and 0 Electric Avenue.

Dear Mr. Clark,

The City of Lackawanna is entertaining a rezoning request for the parcels listed above and is seeking to rezone the parcels out of the Open Space district. In the early 2000s, the NYS Governor's Office advised municipalities across the state to take steps to preserve open space within their communities. Following the Governor's directive, the City of Lackawanna rezoned various parcels including those listed above to the Open Space zoning district. In an effort to provide expanded opportunities for the future development of these parcels, the City is now seeking to change the zoning designation to a more appropriate district with more options for the establishment of a new use.

Zoning decisions are an act of legislative prerogative; however, zoning decisions must be carried out in conformance with the municipalities' adopted Comprehensive Development Plan pursuant to §28-a.12.(a) of NYS General City Law. The City's Comprehensive Development Plan, adopted in 2016 illustrates the subject parcels as appropriate for medium density residential adjacent to Electric Avenue, and mixed use along South Park Avenue.

In an effort to be compatible with the Comprehensive Plan, it is best practice to rezone these parcels to a zoning district that aligns with mixed residential and mixed use. Using the existing zoning districts, the City should examine the application of the "Mixed Residential (MR)" district for the parcels at 1864 Electric Avenue, 3365 South Park Avenue Rear, 0 Myrtle Avenue End, and 0 Electric Avenue. For the parcels located at 3375 & 3365 South Park Avenue, the City should consider the "Neighborhood Commercial (NC)" district. These new zoning districts will bring the parcels into conformance with the adopted Comprehensive Plan and will provide new opportunities for future development.

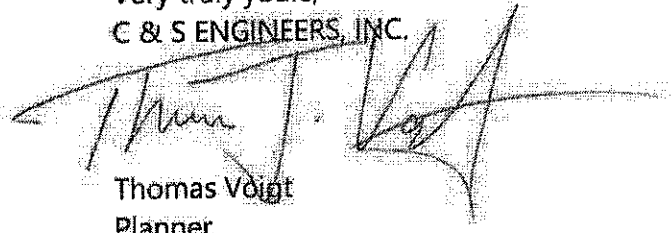
Looking forward, the City has started the process of updating the Zoning Ordinance in its entirety and will have the opportunity to further scrutinize these subject parcels, the zoning districts that govern their land use, and other parcels that may benefit from a change of zoning district.

In addition, the City of Lackawanna, using resources allocated by the Environmental Protection Agency had previously conducted Phase I Environmental Site Assessments on the parcels located at 0 Myrtle Avenue, 1864 Electric Avenue, and 3365 South Park Avenue. Due to the proximity of the subject parcels to a former rail line, it is anticipated that future development on the subject parcels will require the property owners to conduct a Phase II Environmental Site Assessment.

Rezoning Inquiry  
October 14, 2024  
Page 2

These assessments will be important in the City completing its due diligence when conducting the required NYS Environmental Quality Review for all development.

Very truly yours,  
C & S ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'Thomas Voigt', is written over a horizontal line. The signature is stylized and somewhat cursive.

Thomas Voigt  
Planner

☆ 3375 SOUTH PARK AVE, REAR

SBL: <https://paytax.erie.gov> 151.05-4-13.12  
Municipality: City of Lackawanna  
Owner: TGA INDUSTRIES LLC  
Dimensions: 39x125  
Acreage: 0.1119 acres  
Property Class: B - Vacant comm

☆ 3365 SOUTH PARK AVE

SBL: <https://paytax.erie.gov> 151.05-4-13.11  
Municipality: City of Lackawanna  
Owner: TGA INDUSTRIES LLC  
Dimensions: 0x0  
Acreage: 2.1439 acres  
Property Class: C - Warehouse

☆ 1864 ELECTRIC AVE

SBL: <https://paytax.erie.gov> 151.05-4-6.212  
Municipality: City of Lackawanna  
Owner: FUCINA EILEEN  
Dimensions: 432.35x439  
Acreage: 4.8872 acres  
Property Class: R - 1 Family Res

☆ 0 MYRTLE AVE END

SBL: <https://paytax.erie.gov> 151.05-4-6.122  
Municipality: City of Lackawanna  
Owner: MURPHY BRIAN  
Dimensions: 0x0  
Acreage: 0.6381 acres  
Property Class: R - Res vac land

☆ 0 ELECTRIC AVE

SBL: <https://paytax.erie.gov> 151.05-4-16  
Municipality: City of Lackawanna  
Owner: BROWN ARLENE F  
Dimensions: 0x0  
Acreage: 1.6942 acres  
Property Class: R - Res vac land

☆ 3365 SOUTH PARK AVE, REAR

SBL: <https://paytax.erie.gov> 151.05-4-13.131  
Municipality: City of Lackawanna  
Owner: FUCINA EILEEN  
Dimensions: 43x248.28  
Acreage: 0.2543 acres  
Property Class: R - Res vac land

