



CITY OF LACKAWANNA
Zoning Board of Appeals
COUNCIL CHAMBERS

MINUTES

Wednesday October 30, 2024

Opening:

The regular meeting of the City of Lackawanna Zoning Board of Appeals was called to order at 5:00pm.

Present: Mohamed, Stampone, Sobaszek, Geercken,
Excused: Turner, Beres

Agenda:

A. Approval of Board meeting minutes:

Motion to approve minutes for 9/25/24: Mohamed: Second: Sobaszek
All yeas carried 4-0

Mr. Charles Clark
Director of Development
Mr. Clark address the Board on updates regarding Zoning Board Members

Mr. Clark stated the Mayor has made 2 appointments to the Zoning Board, one is here tonight and one will start on November 1, 2024.
Dan Geercken who is with our DPW will be joining us tonight and starting next month
Kathy Kogut who is an architect with Labella with be joining the Board by appointments made by the Mayor.

Also, Chairman Beres in excused and a motion is needed to appoint an interim chair for the evening.

Mohamed nominate Dan Geerchen as acting Chairman: Second: Stampone
Motion to close nomination: Mohamed: Second: Stampone
All yeas carried 4-0
Motion to open public hearing: Geercken: Second: Mohamed - All yeas carried 4-0

Item #1
Land Use Variance

Naef Alhajjaji
19 Wasson Ave
Requesting variance for 14 parking spaces
in mixed residential zone

Fadel Alhajjaji – 24 Pearl Ave representing

Mr. Alhajjaji stated 19 Wasson was a store before we sold the business and took it over again. We are trying to make it a grocery store like it was before.

Mr. Marion (City Attorney) ask why does he need the variance

Mr. Hayes replied there are three apartments in the building

Mr. Balon said there is no parking on the property and according to the zoning he needs 14 spots

Mr. Marion said they would not be able to operate the store without the variance and you have to close

Mr. Alhajjaji replied yes

Mr. Marion ask does it change the character of the neighborhood

Mr. Alhajjaji no and when it was a store before people from the project walk

Member Stampone ask where are they going to put the 14 spots

Mr. Marion said the variance is for no onsite parking and since no changes to the building

Mr. Marion said since they are buying the building with no parking the hardship id self created but is not a factor to not grant the variance

Member Stampone ask where will the tenants park on the street

Mr. Alhajjaji said the tenants are hardly there

Boarding neighbors

Pastor Blue Second Baptist Church stated he owns the lots on both sides of the store. There are many violations in that store and an eye sore to the community. We have family dollar next door and there is another grocery store on Ridge Rd not less than 100 feet. This store would be nothing but a eye sore with the many violation that have happen in the store I and the membership are firmly opposed of the store opening and now you have apartments there. When we were there they continue to go through our lot and use our lot and have debit in our lot. So I am opposed to this and Wasson is a road that is frequently used. The people that live in the project they don't go to the store and goes to a store that offer them more variety and a store that is clean. There have been a lot of rats with the store being there that we had to face. Second Baptist Membership is opposed to having this grocery store when we don't need another grocery store and they don't have enough space to be a grocery store.

Member Sobaszek ask about police calls to the former store

Pastor Blue stated there were code violations at the store and some Members have been harassed in that store.

Mr. Alhajjaji said when my family had the store we never had violations and we sold it to different people that had it, they didn't last because they turned it into a smoke shop. I have

people coming to my house asking to open the store. I offered to buy the lot and make it a parking lot.

Mr. Marion said who did the violations

Mr. Balon said no violations right now

Mr. Alhadjaji said when something need to be done it was taken care of

Mr. Marion suggested they talk to the neighbors

Motion to close public hearing: Mohamed: Second: Geercken

All yeas carried 4-0

Motion to approve variance: Mohamed: Second: Sobaszak

All yeas carried 4-0

Mohamed call the question: Motion carried: 4-0

Item#2

Area Variance

Frank Wailand

108 Dona St

Requesting variance for 7 parking spaces in mixed residential zone

Motion to open public hearing: Geercken: Second: Mohamed

All yeas carried 4-0

Frank Wailand representing

Mr. Wailand stated being in front of the aboard regarding the former St Marks Church turning it into a Mosque. The parking was not working on the site; they have two handicap parking on the site now which makes more convenient and more mobility. The area around the site (showing on Google map) more than enough parking for seven vehicles.

Member Sobaszek said the entrance to the rear lot is still going to be in between the two buildings

Mr. Wailand replies yes, we have a ramp going down to the lower level for the ladies and a single wheelchair lift up to the second level for the men.

Mr. Clark asked Mr. Wailand the images shared with the Board talking about off street parking are you including A Street and part of the road as sufficient parking.

Mr. Wailand said Dona would be the primary street with 64 in width and 105 deep with green space and handicap spots in the back.

Motion to close public hearing: Mohamed: Second: Geercken

All yeas carried 4-0

Motion to approve variance: Mohamed: Second: Sobaszek

All yeas carried 4-0

Item #3
Land Use Variance
Area Variance

Lori Riker / Christopher Wietig
Use variance for construction of a commercial solar facility
In a mixed commercial industrial zone
Area variance project will not achieve the 20%
Minimum landscaping or 15 foot side yard setback required

Motion to open public hearing: Mohamed: Second: Geercken
All yeas carried 4-0

Lori Riker representing

Ms. Riker stated they were before the Board two and a half years ago. The application last time was submitted by One Sun Solar and they were the developer, Bethlehem Solar Park LLC is now the owner of the property and will operate the facility. Also they are the applicant and the main change is when it was approved a couple of years ago were going to be a net metering system and now it will be a community solar project. The community solar project will allow Lackawanna residents to use the energy and was as before the energy could have gone anywhere. Since it is a community project only Lackawanna residents will benefit from it. Bethlehem solar park has engaged good energy LP they are the provider and they assist with having a web site, outreach letters to the residents and focus on low and moderate income. Those who sign up will receive a 10% bill credit on their electric bill. These are the main changes and we will present this to the Planning Board with the same request for the variance for the landscape coverage and the setback on one side of the 50 foot section on the west side that borders the neighboring property. That portion of land is just a wall from the former building The Planning Board last time requested that they remove the eye sore which was the big steel wall that has been taken down now. They hope to start production next spring with a period of five months with the completion of the mechanical components in September or October time frame and have it all up and running by the end of 2025.

Jeff Marion (City Attorney)

Mr. Marion stated you submitted a questioner on the test and some extensive description and you don't have anything to add that not already written down.

Ms. Riker replied no

Mr. Clark stated that now that this is a community solar project is the customer's basis limited to the City of Lackawanna

Ms. Riker said that is her understanding that all of the energy generated here will go to the City of Lackawanna residents

Mr. Clark ask if people don't take advantage of it is that enough of a market for your client to make a return on this project. This is a huge investment with anchorage and cost where your original concept from three years ago had a broader base of potential customers and this seems narrow

Ms. Riker said that is why they brought in good energy and they have been doing this for a long time and they know how to do the outreach if they don't have enough low to moderate

income residents they may go to other residents and commercial. The main goal is to stay in Lackawanna.

Mr. Clark said if they do all that making a pitch but still don't get the numbers they are looking for does this give your client the flexibility to still open up to a broader client base

Ms. Riker stated hopefully they did their market research

Member Stampone said they are concern with that and would like a answer to that before the Board approve it

Neighbors

Alex Grimes 40 Lincoln

Mr. Grimes stated he is directly across from the property and is concern of the safety of the neighbor. The battery banks that go with these solar farms when they go up they go up big. I think you guys are aware of what happens at that facility and recent litigation. The Board needs to take in consideration the community safety.

Ms. Riker replied there is no fire hazard with the solar ray and I don't believe there are batteries that store the power. The power is generated and transmitted to grid and no battery backups on this site.

Member Sobaszak said no battery storage containers

Ms. Riker replied no

Member Stampone stated the last time on Lincoln they were doing to put up a berm and some trees, scrubs and make it nice

Ms. Riker stated knowing the parties involved as far as making it a viable project I have a 100% confidents they will get the residents or businesses they need or they will expand. They put a lot of money into this, they have gone to Nicerda, NY Sun and finance is secure.

Member Mohamed ask the solar farms don't have any type of environmental effect to the neighborhood

Ms. Riker replied no

Motion to close public: Geercken: Second: Mohamed – All yeas carried 4-0

Motion to approve use variance and area variance: Mohamed: Second: Geercken
All yeas carried 4-0

Motion to adjourn: Mohamed: Second: Sobaszek
All yeas carried 4-0