



PLANNING AND DEVELOPMENT BOARD

Meeting Minutes

Wednesday February 26, 2025

Opening:

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

Pledge of Allegiance called

Present: Abdulla, DeSantis, Friend, Gable, Smith, Zambron,

Excused: Algawani

Approval of Minutes 1/29/25

Motion to approve minutes for the meeting on 1/29/25: Friend: Second: Gable

All yeas carried 6-0



New Business

Item #1

Site Plan Approval

Thomas J. Johnson Jr

3040 South Park Ave

Demolition of old building to build a new proposed 2150 SF single story credit union in Neighborhood Commercial Zone

Thomas Johnson and D.R. Chamberlain Corporation are representing One Credit Union.

Mr. Johnson stated the plan is to demolish the existing structure and build a new credit union.

Mr. Johnson stated this will not be a new business, and that the entire site will be renovated, including: blacktop, fencing, lights, sidewalks, green space, and signage. The property will use the existing utilities as they are in place and operational.

Member DeSantis asked if there will be a drive thru.

Mr. Johnson stated yes, it will be a two lane drive thru with an ATM as well as banking pneumatic tubes. The traffic will enter through the side street and go around the building to the drive thru and exit.

Member DeSantis asked if the exit on South Park will remain as it is now.

Mr. Johnson replied yes.

Chairwoman Smith asked if there is a drive thru there now.

Mr. Johnson replied yes.

Chairwoman Smith asked what will happen as far as business operations.

Mr. Johnson states the business will shut down during construction and their plan is to find another location temporarily and set up.

Chairwoman Smith asked about the timeline for demolition and construction.

Mr. Johnson stated approximately 8 months and drawings are in process right now for permitting they'd like to start mid-summer.

Chairwoman Smith asked if that was for demolition.

Mr. Johnson stated yes to demolition first.

Chairwoman Smith asked about demolition work on the basement and if the new construction will have a basement or will it be a slab.



Mr. Johnson stated yes that it will be a partial basement and the drawing indicates approximately 20' x 30'.

Member DeSantis stated he was on the board for South Towns for 20 years and President for 10 years. During this time they met with other credit unions that were adamant about keeping business running, and not closing nor leaving the city.

Member DeSantis stated the business is investing in the City of Lackawanna and that is the kind of business the city needs and voiced his support for the project.

Motion to open public hearing: Zambron: Second: Friend

All yeas carried 6-0

Robert Alesse - 15 Hamilton representing

Mr. Alesse stated his yard is behind the credit union and it shares the same property line and for 20 years the business said they were going to put in an 8ft fence from Stearns along the property line.

Mr. Johnson stated his plan is to put in a privacy fence.

Mr. Alesse replied yes, a privacy fence and not a chain-link fence to help with noise.

Mr. Johnson stated it's a privacy fence and it's up to the local code if he can go up to 8ft.

Mr. Alesse stated there's an 8ft chain-link fence now and it stopped at his yard and his fence has been acting as their fence for 20 years. I get all the blown trash from the store across the street and I am constantly cleaning their yard. I want a good neighbor to keep the area tidy, and that the business also proposed landscaping but it never happened and wants to see the business follow through.

Mr. Johnson stated he has a landscape plan that will be on his side of the fence that consists of trees and bushes.

Code Enforcement Officer Steve Balon stated that the business could possibly do an 8ft fence, but may need a variance for it.

Chairwoman Smith asked if anyone else would like to speak.

Donna Slabyk - 25 Stearns Ave representing.

Ms. Slabyk stated the credit union has been an excellent neighbor and we have no problem with them. I am looks forward to the construction because of the high number of school buses that use Stearns Ave at a high rate of speed, which will force them to operate safely in an area with young children.



Mr. Johnson stated he plans to keep his vehicles on the lot as much as possible which will be fenced in with a 6' construction fence and gate.

Director Clark asked what impacts if any would there be to traffic for the residents.

Mr. Johnson stated he believes a dump truck would be on site to remove debris for approximately two to three weeks, as well as an excavator and concrete truck for the construction.

Director Clark stated there should not be much of an inconvenience to the residents.

Mr. Johnson agreed with the statement and didn't foresee any major complications to the flow of traffic.

Member DeSantis asked Director Clark about the business they set up as a temporary location and if he could direct them to a potential site for the duration of the construction.

Director Clark stated he will share contact information with Mr. Johnson to help address any needs they may have.

Motion to close public hearing: Abdulla: Second: Friend

All yeas carried 6-0

Motion to approve Negative Declaration: Zambron: Second: Gable

All yeas carried 6-0

Motion to approve site plan as presented: Zambron: Second: DeSantis

All yeas carried 6-0



Item #2

Site Plan Approval

Special Use Permit

Cannabis Dispensary

Jacob Hicks

2470 Hamburg Tpke

Requesting Special Use Permit for Cannabis Dispensary in Regional Commercial Zone

Jacob Hicks and Ms. Dominguez representing

Mr. Hicks stated they are an adult use retail cannabis dispensary with no on site consumption or delivery aspect from the business to consumers.

Mr. Hicks stated they will only have customers come inside the store. The site is an existing vacant building we are looking to make improvements to.

Mr. Hicks stated they are licensed and obtained their final license from the Office of Cannabis Management on October 17, 2024. Prior to the license they had to do a municipal notification of their plan which was sent on November 14, 2023.

Mr. Hicks noted sensitive use buffers they need to comply with, including: 1,500ft from the nearest church; 3,200ft from the nearest school; 11,721ft from the nearest cannabis facility; approximately 7,000ft from the nearest rehabilitation facility; 3,200ft from the nearest day care; are not in a historic district; and are not in zones deemed inappropriate for the business.

Director Clark stated that the distances described by Mr. Hicks are well beyond what the code calls for. The clearances needed to be 1,000ft of a cannabis facility; 500ft of a child or youth facility; and 500ft of a school property.

Chairwoman Smith sought a sheet with the cannabis ordinances to which Director Clark stated the board will have those aides with the next packet.

Director Clark reaffirmed the Board that the distances described by Mr. Hicks comply with the distances as required by the city.

Chairwoman Smith asked about hours of operations.

Mr. Hicks stated 10:00AM to 8:00PM, seven days a week.

Chairwoman Smith asked about the type of jobs.

Mr. Hicks stated they are looking to hire a mix of part time and full-time workers, from entry level to managerial staff as well as mid-range positions.



Mr. Hicks stated entry level positions would include roles in front and back of house and most of their hires have an approximate ten-minute drive time, and that any hires will be local.

Chairwoman Smith asked how job opportunities will be promoted.

Mr. Hicks stated they have strict advertising regulations, but would use job boards geared to the local community for a 21-year-old and above audience as well as consider job fairs.

Chairwoman Smith asked about timelines regarding construction and operations.

Mr. Hicks stated construction documents are in the process of being submitted next month and aim to submit the business registration application next week. Once that is cleared, they will obtain building permits and do not anticipate work to last longer than four months.

Chairwoman Smith asked if that would be by the end of the year.

Mr. Hicks replied yes.

Member DeSantis asked if there is going to be any security.

Mr. Hicks stated they are not mandated to have a security guard as they are not an on-site consumption facility, but do have security measures. They have access controls for high risk areas such as their vault which is where the product and income will be stored.

Mr. Hicks further stated only certain individuals such as managers and back of house staff will have access to the vault. There is a panic button system that functions similar to a bank and will notify the police as well as owners within 15 seconds. There is a 24/7 video surveillance system which will help with loitering as well as assisting law enforcement with any nearby crimes and per state law, they need to keep that footage for 60 days.

Chairwoman Smith asked about entry protocol and if patrons will need to buzz in.

Mr. Hicks stated clientele can walk in but will be age verified using their ID and that a second check is conducted by the sales representative.

Chairwoman Smith asked if that means entry will essentially be open and that once a client walks in, they will be asked for identification.

Mr. Hicks replied yes.

Chairwoman Smith asked if they considered a buzzer for entry.

Mr. Hicks stated they did consider it, but based on prior experience do not believe it is necessary.

Code Enforcement Officer Steve Balon stated there will be a foyer containing a second set of doors when entering the exterior door.

Chairwoman Smith asked if the second set of doors will be locked.

Mr. Hicks stated there will be an access control on the second set of doors.



Chairwoman Smith asked if that means the front door will be open to get to a vestibule, and then buzzed in to enter the sales floor.

Mr. Hicks stated that the person checking the ID will allow or deny entry to the sales floor.

Chairwoman Smith asked where the sales counter will be.

Ms. Dominguez pointed out where the sales counter will be and where sales representatives and customers will congregate.

Member DeSantis asked if they will be providing samples.

Mr. Hicks stated there will be no samples. The employees are encouraged to sample the products to know what they are selling, but do not encourage employee use during business operations.

Chairwoman Smith asked what kind of signage

Director Clark stated they will take the Board through that at a later point.

Ms. Dominguez stated she is the licensed architect and will cover the site plan.

Ms. Dominguez stated they are proposing the following: additional parking spots and restriping existing spots; keep existing handicap spots; a new paved sidewalk for deliveries; modifications for their vault; and a right turn only sign.

Ms. Dominguez also stated they are keeping the existing vestibule which will act as the identification check; a break room; two bathrooms with one ADA compliant; a lactation room that will double as a small utility sink; an information technology closet; and an office. The sales counter will be upon entry and where salespeople and clientele will congregate. There will be a full wall that separates the sales floor from the vault.

Ms. Dominguez pointed out the side door where the additional sidewalk is planned for. An intermediate space that will exist between the delivery door and vault for security purposes.

Chairwoman Smith asked about the existing glass block windows and if they will be closed in or kept.

Ms. Dominguez stated they will remain but will not be transparent.

Chairwoman Smith asked if there is anything on the back of the building such as windows or doors.

Ms. Dominguez replied no.

Ms. Dominguez stated they have a new proposed design which differs slightly from what the Board received. The building will be one pink color and the signage is within the 10 percent allowance.

Ms. Dominguez stated that based on Board remarks there is a secondary option should they need it.



Chairwoman Smith asked about interior layout and where the actual product will be.

Mr. Hicks stated the product will arrive through the back and be routed to the vault. The entire product will be stored in the vault and that only certain employees will have access.

Chairwoman Smith asked about product displays.

Mr. Hicks stated the displays are not actual products and only a reference for what the real product would look like.

Ms. Dominguez stated they plan on putting millwork below the sales counter and on the wall behind and are not currently planning any sale for displays.

Chairwoman Smith asked about the loading entrance and what kind of security there is.

Mr. Hicks stated there are two doors at the loading entrance and that will be the only way to load product into the business. They did not originally plan to have a loading entrance but added one for security purposes.

Chairwoman Smith asked if there will be cameras.

Ms. Dominguez stated yes.

Mr. Hicks stated there will be cameras and panic buttons.

Code Enforcement Officer Steve Balon referred Chairwoman Smith to a detailed set of plans listing the security features and where they will be located.

Chairwoman Smith asked if the company proposing this business have operations in other parts of the county.

Mr. Hicks stated no and that there is only one owner named Diana, and that the Director of Operations lives in New York and has branding agreements with other businesses in the region and those businesses are owned by other individuals.

Chairwoman Smith asked if it is comparable to a franchise.

Mr. Hicks stated it is similar but not an exact match.

Chairwoman Smith asked about garbage.

Code Enforcement Officer Steve Balon stated they have two garbage totes.

Mr. Hicks stated they have two 95-gallon garbage totes.

Ms. Dominguez stated there is a pad for the totes.

Member DeSantis asked if they will go private for waste management.

Mr. Hicks stated he believes they will, but asked if there is a public commercial hauler in the area.



Code Enforcement Officer Steve Balon stated it would have to be approved by the city but could ask for it.

Member DeSantis stated businesses can opt-in to the city's garbage pickup but are limited to two totes per building.

Mr. Hicks stated their garbage would likely be limited and on par with smaller waste.

Member DeSantis suggested the business compare public and private waste management costs.

Director Clark brought up density of potential cannabis stores appearing and how there is a requirement of being at least 1,000ft away from the nearest store.

Director Clark stated that based on that requirement the store will likely be a major business along route 5. The applicant received a priority consideration from the Office of Cannabis Management and is strictly enforcing the 1,000ft distance requirement.

Director Clark stated that these businesses will not pop up within the 1,000ft area.

Member Abdulla asked if this is a social equity opportunity and if the owner needs to be a part of the local community or New York State.

Chairwoman Smith explained it is tied into legal issues and cannabis-related charges against an individual wanting to open a cannabis business.

Member Abdulla asked if they needed to be in New York State.

Mr. Hicks stated there is a lawsuit discussing those issues and that there cannot be discrimination against out-of-Stators.

Director Clark stated that the proposed business will be an improvement over what the previous business was.

Member DeSantis asked if they are gutting the building.

Code Enforcement Officer Steve Balon stated they already did.

Chairwoman Smith asked about the state of the interior cleaning.

Ms. Dominguez stated the exterior is remaining and that they gutted the interior.

Chairwoman Smith asked if there any load bearing walls were modified.

Ms. Dominguez stated no.

Mr. Hicks asked if they had shown the Board the plans.

Ms. Dominguez stated yes.

Chairwoman Smith asked if there will be landscaping.

Mr. Hicks stated yes



Director Clark asked Mr. Hicks if he could explain to the Board what the differences are between what they received and what was brought to the meeting.

Mr. Hicks stated what the Board received was based upon the general contractor's site visit and realized it would be difficult to make the design look presentable based on the texture of the building.

Mr. Hicks stated the modified design is simpler.

Member Zambron asked about a previous approval that came before the Board last year regarding the site.

Director Clark stated that facility was terminated by the state.

Member Zambron asked about the other dispensary that opened on the other side of the city.

Director Clark stated that business opened last year and had been working on opening but was postponed due to inclement weather events.

Member Zambron asked if these two businesses being on opposite ends of the city would allow room for future businesses to open.

Director Clark stated it may be a challenge because of various sensitive areas that exist such as schools and houses of worship. There may be potential areas such as Abbott, South Park, and Electric toward Blasdell but believed no more than one additional store would be eligible to appear. When this ordinance was brought to the Council they had anticipated no more than three or four of these businesses due to the density of sensitive areas and geographical size of the city.

Motion to open the public hearing: Zambron Second: DeSantis

All yeas carried 6-0

Motion to close public hearing: Friend: Second: Gable

All yeas carried 6-0

Motion to approve site plan and special use permit: DeSantis: Second: Friend

All yeas carried 6-0



Item #3

Waiver of the Rules

UFP Real Estate, LLC

Brian Lenneman

300 Commerce Drive

Director Clark stated he is requesting a waiver of the rules to address a clerical error that occurred after last month's meeting. The project in question is 300 Commerce Drive and that UFP Real Estate was the company before the Board. They correctly issued a negative declaration on the long form seeker part one. The error was Chairwoman Smith signature on the short form seeker parts two and three to confirm the negative declaration.

Director Clark requested the Board to allow a correction of the seeker form to have Chairwoman Smith sign a long form version of the documents. The entire document, parts one, two, and three, are needed by the IDA as part of financing and incentive packages that UFP Real Estate is going for. The additional information about the project with the Board as information has now become publicly available.

Director Clark stated that UFP Real Estate is buying the building and the client company is Decorators an industry leader in vinyl decking and railing that will be coming into 300 Commerce.

Director Clark stated they need procedural steps including a motion to waive the rules, a second, and a vote.

Member Abdulla asked what rules are being waived.

Chairwoman Smith stated it is to add the item to the agenda.

Director Clark stated the issue came to their attention after they had already published the agenda for the Wednesday February 26, 2025 meeting. The paperwork needs to be corrected because the ECIDA's process will occur before the next Planning meeting.

Director Clark stated he is asking the Board to waive the rules of the meeting to allow it on the agenda so they can get the appropriate votes to go forward.

Motion to approve waiver of the rules: Gable: Second: DeSantis

All yeas carried 6-0

Motion to allow correction of the documents: Friend: Second: Zambron

All yeas carried 6-0

Motion to adjourn: Friend: Second: DeSantis

All yeas carried 6-0