



PLANNING AND DEVELOPMENT BOARD

Meeting Minutes

Wednesday June 25, 2025

Opening:

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

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

Excused: Abdulla

Pledge of Allegiance called

Motion to approve minutes for the meeting on 5/28/25: Friend: Second: Gable

All yeas carried 6-0



New Business

Item #1

Special Use Permit

Charles Clark, Director of Development
On Behalf One Credit Union Temporary Location
500 Ridge Rd Memorial Field Parking Lot
Temporary operating location
In Central Business District and Recreation space

Director Clark stated this is a unique and unprecedented accommodation to assist the credit union with their construction project at 3040 South Park Ave.

Director Clark advised the building at 3040 South Park Ave is antiquated and will be torn down for a new modern branch.

Director Clark further explained that efforts to find a building or land to put up a mobile unit was unsuccessful, hence the request for a special use permit.

Director Clark stated the request is for the credit union to operate an approximate 1,700 square foot mobile unit to be placed on the northeast portion of the Memorial Field parking lot, close to the Library and it will not impede activities at the recreation site.

Director Clark explained the following: The unit will likely be up at the end of summer; the facility is a mobile office complex inclusive of a secure safe, bathroom, and other facilities similar to a mobile home; the only public utility required will be electricity; all requirements to make the mobile unit ADA compliant will be at the expense of the credit union; the credit union will pay the City ground rent at an amount negotiated with and approved by Council; the accommodation will be for approximately 12 to 18 months dependent upon construction progress; there are 54 parking spots inclusive of handicapped parking available; the DPW will maintain landscaping in and around the perimeter primary areas and will continue to plow the lot in the winter; the credit union will be responsible for snow removal on their walkways and doorways; and once the permanent structure is built on South Park Ave. they will vacate and take down the temporary facility at their expense and time frame.

Member Buckner asked if the temporary location will impact the traffic flow on Ridge Road.

Director Clark replied that he did not think it would be a significant impact but deferred to One Credit Union CEO James Furman for peak customer activity.

Mr. Furman replied that Monday through Wednesday are slow days for the credit union, with slightly higher clientele activity on Thursday and Friday.



Chairwoman Smith asked about security protocols to deter vandalism once the credit union is closed for the day.

Mr. Furman replied they will have outside and inside security cameras for the building.

Director Clark stated the temporary location will be identified as 500 Ridge Road for first responder awareness.

Mr. Furman stated that normal closing is 4:00PM with a 5:00PM closure on Thursday.

Chairwoman Smith reiterated her concern about potential vandalism.

Mr. Furman replied there will be a security system in place.

Director Clark advised the location is frequently used by the police so there will be a visible police presence.

Director Clark also shared the temporary location offers the credit union similar visibility benefits as their South Park Ave location.

Member Buckner asked if there will be any signage.

Director Clark replied there will be signage both near the street and trailer.

Member DeSantis asked about utility hookups.

Director Clark replied that Mr. Furman is working with the power company for a hookup and will be no public water hookup but rather function as a port-a-potty system.

Senior Foreman Geercken advised of a nearby National Grid utility pole that may support a temporary overhead line.

Member DeSantis asked if there would have to be a meter.

Senior Foreman Geercken replied yes.

Director Clark advised the Board of the following: the temporary location will not disturb any ground as no construction into the ground will occur; the temporary location will exist on the parking lot structure; a SEQR was completed and a negative declaration is a part of the site plan.

Motion to open public hearing: Zambron Second: Friend All yeas carried 6-0

Motion to close public hearing: Zambron Second: DeSantis All yeas carried 6-0

Motion to approve negative declaration: DeSantis Second: Gable All yeas carried 6-0

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

All yeas carried 6-0

Motion to approve a special use permit: Friend: Second: Gable All yeas carried 6-0



Item #2

Site Plan Approval

Richard Jimenez

561 Ridge Rd

Requesting to open a private practice mental health counseling service

In Central Business District

Chairwoman Smith called upon the applicant to address the Board.

Richard Jimenez – 561 Ridge Rd representing

Mr. Jimenez shared the following: he is a licensed mental health counselor and owner of Hillview Mental Health Counseling PLLC he's been in practice since 2014; he purchased the Frank Bybel office approximately three months ago and wants to use two offices for counseling.

Chairwoman Smith asked if the business will share the space with the attorneys currently occupying some of the offices.

Mr. Jimenez replied yes.

Member DeSantis asked if the building is established.

Code Enforcement Officer Scott Hayes replied yes.

Code Enforcement Officer Steve Balon asked if the applicant is modifying the existing office space.

Mr. Jimenez replied they are not changing the existing floor plan as it's already set up for offices and there are approximately ten parking spaces.

Director Clark advised the Board this is in front of them because it's a different use for the building.

Code Enforcement Officer Steve Balon stated they were in the space and that the offices are in nice shape.

Chairwoman Smith asked about the previous building tenants.

Mr. Jimenez responded that the previous tenants were in the space for some time.

Member Zambron asked if this location is next to the old St. Barbara's Church.

The Board replied yes.

Member Buckner asked if they will place any signage.

Mr. Jimenez responded there is an existing sign they will repurpose.



Chairwoman Smith asked if the counseling services will be for children and adults.

Mr. Jimenez replied there are a couple of therapists including myself that serve adolescents twelve years old and up all the way to geriatric patients aged approximately eighty-five to ninety years old.

Members Friend and Gable inquired to what the hours of operation are.

Mr. Jimenez responded that it's by appointment only during the hours 9:00AM to 5:00PM.

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

All yeas carried 6-0

Code Enforcement Officer Steve Balon referred the applicant to visit room 215 to obtain their business registration.

Item #3

Site Plan Approval

Konstantin Martynenko

2600 Hamburg Tpke

On line 3D printing, no retail only order and shipping

In Mixed Commercial/Industrial Zone

Chairwoman Smith called upon the applicant to address the Board.

Mr. Martynenko stated he is the owner of an online order only store that does laser engraving and light manufacturing based in Georgia and is moving his operation to New York.

Member DeSantis asked what type of work the business will do.

Mr. Martynenko replied it will be knife sharpening tools.

Member Buckner asked for clarity on the type of products that will be sold.

Mr. Martynenko responded that the products are precision sharpening tools.

Code Enforcement Officer Steve Balon asked if it is knife sharpening equipment.

Chairwoman Smith asked if the products are made via 3D printing.

Mr. Martynenko stated that 3D printing is a part of the process but is used for secondary items such as adapters.

Member Zambron asked if those secondary items are accessories.



Member DeSantis asked for clarity on the business model.

Mr. Martynenko replied that his business does not sell knives but rather his clientele purchases tools to maintain knives.

Member DeSantis asked if his clientele will visit the business to sharpen their knives.

Mr. Martynenko responded his business only sells the tools.

Member DeSantis asked what is the name of the business?

Member Buckner replied gritomatic.com.

Member Friend asked if customers will come to the business.

Mr. Martynenko stated the business is not open to the public.

Member Zambron asked if the business will take orders, manufacture and then ship out.

Mr. Martynenko replied their model will be to sell through an online marketplace.

Member Buckner asked if his clientele is online and if there is an existing base or if he needs to establish one.

Mr. Martynenko responded they have approximately 20,000 customers who made at least one purchase with a portion of that base being repeat clientele over the past ten years.

Member Buckner asked how many employees there will be.

Mr. Martynenko stated there will be four employees.

Member Buckner asked if the employees are already hired.

Mr. Martynenko replied there will be two employees in New York and two in Georgia.

Chairwoman Smith asked what type of skills for a prospective employee need to work for the business.

Mr. Martynenko responded with individuals who have a background in distribution.

Chairwoman Smith asked if that meant warehouse support.

Mr. Martynenko said yes.

Member Gable asked about the style of knives supported such as hunting and cooking knives.

Mr. Martynenko replied it would encompass both.

Member Buckner asked if there is a safety protocol for the knife sharpening.

Mr. Martynenko's response indicated that a more skilled individual is less prone to injuries from knife sharpening than someone with no experience.

Chairwoman Smith asked if the printing process uses any specialized chemicals.



Mr. Martynenko stated he uses PLA for printing.

Chairwoman Smith asked if any of the materials are flammable.

Mr. Martynenko replied the plastic is flammable.

Chairwoman Smith asked if materials will be stored onsite.

Mr. Martynenko responded yes.

Chairwoman Smith asked if there will need to be fire suppression systems.

Code Enforcement Officer Steve Balon stated that he believes the building is equipped with fire walls and other fire separation measures, but clarified that the Fire Marshall would inspect the building.

Motion to open public hearing: DeSantis Second: Zambron All yeas carried 6-0

Elizabeth Satko asked where the business will be located.

Chairwoman Smith responded at 2600 Hamburg Tpke.

Elizabeth Satko asked where that is on the turnpike.

Chairwoman Smith replied it is between Dona and Bethlehem Park.

Elizabeth Satko asked if there will be any emissions from the chemicals.

Mr. Martynenko stated part of it will not, but for the laser engraving it will be conducted in a sealed system to prevent dust from escaping.

Elizabeth Satko asked about chemicals from the use of plastic.

Code Enforcement Officer Steve Balon stated the material is a plastic filament that will melt and be reshaped.

Mr. Martynenko replied it will just melt.

Laura Smith stated she is the property owner and is available should anyone have questions.

Richard Jimenez stated he is a restaurant owner and does knife sharpening with tools that are similar to Mr. Martynenko's business offerings.

Laura Smith stated Mr. Martynenko's business appears to be offering knife sharpening tools.

Motion to close public hearing: Friend: Second: Gable All yeas carried 6-0

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

All yeas carried 6-0

Code Enforcement Officer Steve Balon referred the applicant to visit room 215 to obtain their business registration.



Item #s 4, 5, and 6

Site Plan Approvals

Charles Clark, Director of Development
184 Ingham Ave, 31 Holland Ave, and 133 Stoney St
Construction of three (3) new single-family homes
In Mixed Residential Zones

Director Clark addressed the Board on the above three properties with the following: Devon Blowers of the Lackawanna Housing Development Corporation (LHDC) and Angela Watson of Habitat for Humanity are present and will discuss the properties; these three properties plus a fourth on Ingham Ave are all part of CDBG funding that comes from Erie County; the funds need to flow from the County to a community development group which the applicants represent; two of the four lots will be Habitat for Humanity lots and the other two will be LHDC managed rental properties; the lots are connected to the same funding source and managed by two different organizations; and that the Board could address 31 Holland Ave and 133 Stoney St in the same action if they choose to.

Chairwoman Smith asked about the second site on Ingham and why it is not on the agenda.

Director Clark advised that property is still in the design phase and was not ready for presentation at this meeting but will be in the future.

Item #4

Site Plan Approval

Angela Watson
Habitat for Humanity
184 Ingham Ave
Construct new 1,290 Sq Ft Single Family Home
In Mixed Residential Zone

Chairwoman Smith called upon the applicant to address the Board.

Angela Watson – Habitat for Humanity representing.



Ms. Watson stated they are looking to build a 1,290 square foot single family three-bedroom home at 184 Ingham Ave to include vinyl siding, a 30-year asphalt shingle, driveway and a 64 sq ft shed.

Director Clark stated the variances requested from the Zoning Board were granted.

Code Enforcement Officer Steve Balon stated this build will be similar to the ones on Center St.

Ms. Watson stated there are similar builds on Center St and Ingham Ave.

Member DeSantis asked if the properties are city owned lots.

Director Clark responded they were.

Member DeSantis asked if the City Council had issue with houses being built like this.

Director Clark asked if Member DeSantis was referring to the nonprofit aspect of the builds.

Member DeSantis replied yes.

Director Clark responded yes, the discussions and negotiations for these particular set of lots came with clear conditions that these styles of builds would be limited going forward in the future.

Director Clark further explained these lots were allowed to proceed under the condition there would be two taxable homes through Habitat for Humanity.

Code Enforcement Officer Steve Balon stated these are small lots with houses at approximately 35 feet wide.

Director Clark explained the City Council had discussions about the four lots in which two are under the rental guidance of the LHDC and two under Habit for Humanity and the City would limit the amount of rental type and non-taxable properties going forward in the future.

Chairwoman Smith asked if the property before them will be a traditional Habitat for Humanity house.

Ms. Watson replied yes.

Member Buckner asked about property lines.

Ms. Watson responded they will maintain the code of 5 feet on both sides.

Member Buckner asked about 5-foot gaps on the property.

Mr. Watson clarified it will exist on one side of the structure to the property line and the other from the edge of the driveway to the property line.

Code Enforcement Officer Steve Balon clarified the build is occurring in Mixed Residential and is maintaining the 5-foot side setback.



Code Enforcement Officer Steve Balon explained the applicant did get variances approved for the other distances to match the surrounding houses in terms of lot size, width, and frontage.

- Motion to open public hearing: Friend: Second: DeSantis All yeas carried 6-0
- Motion to close public hearing: Friend: Second: Gable All yeas carried 6-0
- Motion to approve negative declaration: Zambron: Second: Friend All yeas carried 6-0
- Motion to approve site plan as presented: Friend: Second: Gable All yeas carried 6-0

Item #s 5&6

Site Plan Approvals

Devon Blowers

LHDC

31 Holland Ave & 133 Stoney St

Construct two (2) 1,280 Sq Ft single-family homes

In Mixed Residential Zones

Chairwoman Smith called upon the applicant to address the Board.

Devon Blowers – LHDC representing.

Mr. Blowers explained they have a similar situation to Ms. Watson but these builds will be rentals constructed by local group Sunset Builders and will be similar to previous builds.

Chairwoman Smith asked about the LHDC builds and what they fall under.

Code Enforcement Officer Steve Balon asked if it was Lackawanna Homes.

Mr. Blowers replied these builds will not be a part of that group.

Mr. Blowers explained these builds will be done under the LHDC and that he’s the property manager and will be handled similar to houses constructed on Center St. and Glenwood Ave.

Chairwoman Smith asked for clarity on the addresses of the two new proposed builds.

Mr. Blowers stated they will occur at 31 Holland Ave and 133 Stoney St.

Chairwoman Smith asked if these properties will be rentals.

Mr. Blowers replied yes.

Director Clark stated there are four lots and the two under Habitat for Humanity and two under LHDC were purchased under the same CDBG block.



Chairwoman Smith stated she understood the CDBG funding but was not referring to it.

Chairwoman Smith asked about the LHDC having the entire rental and entitled to the whole tax credit and wanting to know if this project will be an extension of it.

Mr. Blowers replied no.

Chairwoman Smith asked if this will be a new tax credit deal where a new developer is involved with the rentals being built.

Mr. Blowers replied no, the project encompasses themselves as developer and landlord, City of Lackawanna and Erie County.

Chairwoman Smith asked if the tax credit deal will come with the stipulations of tenants renting the property for so many years and have the opportunity to buy the property.

Mr. Blowers stated it's similar, but is not the intention.

Mr. Blowers explained the following: through this funding they are required to maintain ownership and monitor the properties for twenty years at the end of they would presumably sell; they would sell them as a housing agency and would sell them to someone who will live in it or sell to the current tenant should they meet the requirements for obtaining a mortgage.

Chairwoman Smith asked if that meant renting for twenty years.

Mr. Blowers replied yes.

Member Zambron asked if the City will collect property taxes from those new builds.

Director Clark replied no.

Member Zambron asked if these are tax free properties.

Director Clark stated the two houses are under the not-for-profit status.

Member Zambron asked if that will be the status for twenty years.

Director Clark stated he believed that is what Member DeSantis was referring to.

Director Clark explained that these two properties are under the not-for-profit status and will not be taxable in the traditional sense like the Habitat for Humanity homes are.

Mr. Blowers stated that is why the LHDC targeted these small lots for these new builds.

Director Clark explained the following: the lots were purchased at market rate with CDBG funding; the houses are under the rental umbrella; the City Council had issue with it because of the goal to build the tax base but understood the situation and the City's view going forward will be the Habitat model or affordable market rate model for taxable properties.

Member Zambron stated that would occur for twenty years from the time of completion.

Director Clark explained it will be for two of the lots.



Chairwoman Smith expressed concern this was a failed project in the City of Buffalo and was picked up by the City of Lackawanna.

Chairwoman Smith further explained her concern citing tenants would have to rent for such a length of time before they're eligible to get a mortgage when a traditional mortgage can encompass twenty to thirty years.

Member DeSantis said this would mean a tenant turned potential homebuyer would get a mortgage when they're in their 40s or 50s.

Chairwoman Smith expressed concern with the model, reiterating what Member DeSantis shared.

Director Clark acknowledged the concerns and advised the Board the City Council gave approval by selling the lots.

Chairwoman Smith acknowledged Director Clark's statement and reiterated concerns about the situation.

Director Clark advised the Board to continue to discuss the site plan.

Chairwoman Smith stated she wanted to get the parameters on record regarding the twenty-year rental component.

Motion to open public hearing: Friend Second: Zambron All yeas carried 6-0

Member Buckner asked about the setback on 133 Stoney St and if it will be equal to the neighboring house.

Code Enforcement Officer Steve Balon referred Member Buckner to the visual plans.

Member Buckner asked if the existing sidewalk will be added to.

Mr. Blowers said he assumes it will and would clarify with Sunset Builders.

Member Buckner referenced the aesthetic as it would appear potentially bizarre with the sidewalk not being continued.

Mr. Blowers acknowledged Member Buckner's concern, saying his Board would question it as well.

Member Buckner asked if this will be a one family house.

Mr. Blowers replied yes.

Member Buckner asked about the floor plans.

Mr. Blowers pointed out specific room layouts regarding living spaces and relief areas.

Member Buckner asked if the builds will be rentals.

Mr. Blowers responded yes.



Member Buckner asked if Mr. Blowers and the LHDC will manage the rentals.

Mr. Blowers stated yes.

Member Buckner asked what happens if the houses are unoccupied.

Mr. Blowers replied they maintain an active waitlist of candidates subject to various checks such as background, credit, and related reviews and should they pass they would be offered the property.

Mr. Blowers explained they also put out notices for people to reach out and be placed on the wait list.

Member Buckner asked about garbage disposal.

Mr. Blowers responded the LHDC would pay the fee.

Member Buckner asked if there was a structure at 31 Holland Ave.

Mr. Blowers stated he wasn't certain and if there was it would be dealt with.

Chairwoman Smith asked if these builds are slab construction.

Mr. Blowers replied these builds will have basements.

Motion to close public hearing: Friend: Second: Zambron All yeas carried 6-0

Motion to approve negative declaration for 31 Holland Ave: Friend: Second: Gable

Five yeas one nay carried 5-1

Chairwoman Smith stated for the record there is one opposition to the negative declaration for 31 Holland Ave which is Katrina Zambron.

Motion to approve site plan as presented for 31 Holland Ave: Friend: Second: Gable
Four yeas two nays carried 4-2

Chairwoman Smith stated for the record there are two oppositions to the site plan approval for 31 Holland Ave which are Kimberly Smith and Katrina Zambron.

Motion to approve negative declaration for 133 Stoney St: Gable Second: Friend

Five yeas one nay carried 5-1

Chairwoman Smith stated for the record there is one opposition to the negative declaration for 133 Stoney St which is Katrina Zambron.

Motion to approve site plan as presented for 133 Stoney Ave: Gable: Second: Friend
Four yeas two nays carried 4-2

Chairwoman Smith stated for the record there are two oppositions to the site plan approval for 133 Stoney St which are Kimberly Smith and Katrina Zambron.



Code Enforcement Officer Steve Balon referred the applicant to the Code Enforcement Office to obtain building permits.

Item #7

Site Plan Approval

Mana Mushen

2170 Abbott Rd

Requesting to open Bookkeeping Service for Public Use
In Neighborhood Commercial Zone

Chairwoman Smith called upon the applicant to address the Board.

Mana Muhsen –2170 Abbott Rd representing.

Mr. Muhsen stated he is in the process of opening a one-person bookkeeping service with the goal of helping individuals and small businesses manage their financial records.

Chairwoman Smith asked if the applicant was to be at last month's meeting

Mr. Muhsen replied yes.

Member Buckner asked if the applicant is doing bookkeeping or accounting.

Mr. Muhsen replied bookkeeping is part of the company.

Member Buckner asked if the entire property will be used for the business.

Mr. Muhsen stated he is focused only on bookkeeping.

Member Buckner clarified his question, stating what portion of the physical building he will use.

Mr. Muhsen said he is only using the front of the building that was previously occupied by 12th Man Bottle & Can Redemption Center.

Member Buckner asked if the whole building will be used.

Mr. Muhsen responded he is only using the space that was previously occupied by the prior tenant.

Member Buckner asked if there is a house attached to the business.

Code Enforcement Officer Scott Hayes stated there is one apartment upstairs.

Member Buckner asked if the applicant owns the building or will be renting.

Mr. Muhsen replied he is renting.



Member Buckner asked if the applicant will use the front part of the building.

Mr. Muhsen responded yes and there is parking for three vehicles and will modify the existing sign to include his name, phone number and service offered.

Member Zambron asked if there is any licensing needed to do bookkeeping.

Mr. Muhsen replied there are no requirements for bookkeeping.

Chairwoman Smith asked if Mr. Muhsen is a CPA.

Mr. Muhsen stated he is strictly doing bookkeeping.

Chairwoman Smith asked if a CPA would need a license.

Mr. Muhsen replied that a CPA could do work such as business taxes, but he would not do that work for his business.

Member Zambron asked if bookkeeping entails payroll for a company.

Mr. Muhsen responded yes, that payroll would be included in bookkeeping.

Chairwoman Smith asked if there will be additional employees.

Mr. Muhsen stated it will be just him as a one-man operation.

Member Buckner asked if the work is full time.

Mr. Muhsen replied it is full time.

Member Buckner asked what the hours of operation are.

Mr. Muhsen responded probably ten to five.

Motion to open public hearing: Zambron: Second: Friend All yeas carried 6-0

Director Clark advised the Board the City received a written statement from an individual who chose not to be at the meeting in person but is exercising their right to comment on the proposed project under the open meeting law.

Director Clark informed the Board the written statement is from an individual named Mckayla Bohne and as advised by the City law Department read the statement as it was provided.

Director Clark read the statement which explained the individual's concerns regarding Mr. Muhsen's application.

Mr. Muhsen addressed the written statement to the Board.

Chairwoman Smith asked if there is a legal order.

Mr. Muhsen replied yes.



Chairwoman Smith asked the duration.

Mr. Muhsen responded there are two; one until October 2025 and the other believed to be until June 2026.

Chairwoman Smith asked if he is currently in business now and if he has an office.

Mr. Muhsen responded no.

Chairwoman Smith asked if this is the first time he is establishing an office as a bookkeeper.

Mr. Muhsen replied yes.

Chairwoman Smith asked what made the applicant pick this location.

Mr. Muhsen stated he was born and raised in Lackawanna and that the bulk of people he knows grew up in Lackawanna.

Chairwoman Smith asked the applicant what his current address is.

Mr. Muhsen verified his current address with the Board.

Chairwoman Smith asked for clarity on the applicant's proposed business location as the applicant's current address is in another municipality.

Mr. Muhsen provided clarity on his reasoning for the proposed business location in Lackawanna.

Chairwoman Smith asked for the distance requirement as listed in the legal order.

Mr. Muhsen stated an approximate distance.

Chairwoman Smith asked Director Clark to review the written statement for a distance requirement.

Director Clark stated the individual did not reference a distance requirement in her statement.

Director Clark advised the Board the individual stated they live an approximate nearby distance away from the proposed business location.

Chairwoman Smith asked about the distance requirement.

Mr. Muhsen replied that the individual lives far enough away from the proposed business location.

Member Zambron asked about electronic bracelets.

Mr. Muhsen stated it is a legal order requirement.

Member Zambron asked what it is for.

Mr. Muhsen responded it is for the legal order.

Member Zambron asked about the legal order.



Mr. Muhsen provided historical context about the legal order.

Member Zambron asked if the involved parties are relatives.

Mr. Muhsen responded yes.

Member Buckner asked how the individual discovered the applicant's proposed business.

Mr. Muhsen stated he believes the individual discovered it through a combination of physical traveling and Internet browsing.

Chairwoman Smith asked if the applicant is already in business, as they are modifying the existing signs.

Mr. Muhsen replied no.

Member DeSantis asked of the Board and City Legal team the relevance the conversation has to the site plan.

Chairwoman Smith expressed her concerns and wanted guidance from the appropriate departments and any relevant additional information to make an informed decision.

Member DeSantis sought clarity if the conversation up to this point had significance to a site plan approval or denial.

Assistant City Attorney Christy Cooper advised the Board of their concerns.

Director Clark shared with the Board a historical situation with similarities to the current agenda item and what is within the Board's purview.

Chairwoman Smith expressed concern a potential approval of the site plan may potentially violate the law.

Mr. Muhsen provided a response sharing historical context.

Director Clark addressed Chairwoman Smith's concern stating it would be addressed at the City Council level during the business application review, if it progressed to that point.

Member Buckner asked if other locations were considered.

Mr. Muhsen said other locations were considered but the Lackawanna site was the best based on pricing and space options.

Member Buckner asked if Mr. Muhsen had any background in bookkeeping.

Mr. Muhsen described recent efforts to help approximately twenty-five business owners with tax credits that were missed by others which resulted in an approximate aggregate three-hundred-thousand-dollar tax credit for all businesses combined.

Mr. Muhsen stated he received positive feedback from those clients and would continue to use his services, should he go into business.



Chairwoman Smith addressed the Board and what the next steps may be.

Member DeSantis asked if the agenda item should be tabled.

Chairwoman Smith shared concerns with the distance requirement as that is what she was referencing with the potential approval of something in violation of the law.

Mr. Muhsen claimed the electronic bracelet is linked to 2170 Abbott Rd.

Chairwoman Smith stated she didn't know if the Board would need additional information to support Mr. Muhsen's claim.

Member DeSantis asked the reason the applicant did not show up for last month's meeting.

Mr. Muhsen replied he was incarcerated.

Mr. Muhsen provided context surrounding the incarceration.

Director Clark asked Chairwoman Smith if the Board is going to table the agenda item, what additional information are they seeking.

Director Clark asked of Chairwoman Smith and the Board what additional information they expect to receive in the coming months that is any different then what was presented that evening and if there is sufficient information currently to make an informed decision.

Chairwoman Smith responded no to having sufficient information currently to make an informed decision.

Chairwoman Smith reiterated the concern of potentially approving something that may violate the law as there are written statements and claims of legal documents and is unsure if those are needed.

Chairwoman Smith acknowledged if written documentation clarifying distance requirements in relation to the proposed business location were provided.

Mr. Muhsen reiterated his claim again that the electronic bracelet is linked to 2170 Abbott Rd.

Member DeSantis reiterated his question about the relevance the conversation has on the site plan request.

Mr. Muhsen reiterated previously provided historical context.

Member Zambron acknowledged the question posed by Member DeSantis and responded it appears relevant to the site plan request as there appears to be a convergence of personal life onto the proposed business.

Member Zambron expressed concern about potentially being guided into a site plan approval with several information gaps present and concerns not mitigated.

Director Clark clarified to the Board that no one is asking for a forced approval.



Director Clark reiterated his question to the Board of what more information will they get in a month that is any different than what is being addressed that evening.

Director Clark explained there is likely enough information present to decide whether the site plan will be approved or denied and the concerns shared would be addressed by the City Council.

Chairwoman Smith answered Director Clark, stating she doesn't know what it is that she needs to know more of, but knows she needs additional clarity and guidance.

Chairwoman Smith reiterated the concern of potentially approving a site plan that may violate the law.

Member Buckner asked if the individual were to see the applicant at the proposed business location, would it create a detriment for the neighbors and community in the form of a police presence and potentially damaged property.

Director Clark stated Member Buckner's concern is within the Planning Board's purview.

Member Buckner acknowledged the need to find an answer for what impact the applicant's business request and legal documents would have on the community.

Mr. Muhsen stated he cannot stop anyone from contacting law enforcement.

Member Buckner acknowledged Mr. Muhsen's comment and clarified his question if the individual were to travel would it lead to confrontation.

Mr. Muhsen stated he would fully cooperate with any potential interaction(s) with law enforcement.

Director Clark stated that Member Buckner's concern is framed within the purview of the Board, as those factors could potentially impact the community.

Chairwoman Smith acknowledged that the Board appears to want to table the agenda item pending additional information to determine if the proposed business location will be appropriate.

Director Clark asked Chairwoman Smith to specify what they are looking for.

Chairwoman Smith stated they need clarification to determine if the proposed business is appropriate for the proposed location.

Member Friend asked if it is because of the distance issue.

The Board spoke amongst themselves

Member DeSantis stated that at this time the Board appears to be indecisive and needs additional time to review and Member Buckner's concerns signify the need to table the agenda item.



Motion to table the agenda item for 2170 Abbott Rd: Friend: Second: Zambron

All yeas carried 6-0

Chairwoman Smith asked the administrative next steps of tabling an agenda item.

Director Clark explained the administrative background of tabled agenda items.

Assistant City Attorney Christy Cooper advised the Board to be mindful of any applicable time frames they would need to address.

Mr. Muhsen asked what it will take for the Board to allow him to open a business and what documentation does he need to provide.

Chairwoman Smith responded her and the Board members need to figure out what it is they need to make an informed decision.

Mr. Muhsen referenced the distance requirement and asked if he should obtain legal documents clarifying the requirements.

Chairwoman Smith advised the applicant of documentation that supports his position.

Mr. Muhsen reiterated previously provided historical context.

Director Clark advised the applicant that written legal documentation defining the distance requirement from the individual will clarify to the Board where he needs to be in relation to the individual.

Mr. Muhsen stated he can do that and reiterated once again that the electronic bracelet is linked to 2170 Abbott Rd.

Assistant City Attorney Christy Cooper advised the applicant of potentially additional information, such as relating to a community physical safety plan, based on what questions and concerns the Board may have.

Mr. Muhsen asked the Board what can he provide to assist their decision making.

Chairwoman Smith stated they had just explained their dilemma.

Member Buckner advised the applicant the Board needs to figure it out.

Director Clark explained the lack of clarity regarding distance is a significant point to be addressed.

Director Clark reiterated Member Buckner's concern as if there is going to be constant friction between the applicant and the individual, then it could potentially be an issue for the location, neighbors and community.

Mr. Muhsen reiterated previously provided historical context.



A female audience member who chose to identify herself only as a neighbor addressed the Board stating she came to the meeting to support the business but did not know any of the issues until shared that evening.

Member Zambron asked the female audience member if her thoughts changed.

The female audience member replied yes and stated she was surprised you do not need a license or certification for bookkeeping.

Item #8

Planning & Zoning Update

Kimberly Smith

Planning & Development Board Chair

3292 South Park Ave

Requesting to open an ice cream parlor and sweet shop with indoor seating

In Neighborhood Commercial

Chairwoman Smith addressed the Board stating there was an email communication from Gerry Murak for the above property that was included in their packets.

Member Friend asked if the property was approved for their variance.

Code Enforcement Officer Steve Balon stated there is a variance and an agreement for parking spaces.

Code Enforcement Officer Steve Balon explained the resident thought the business applicant was doing parking illegally or under an old parking agreement, but is not.

Code Enforcement Officer Steve Balon clarified the resident wanted to voice his concerns about the potential amount of traffic into and out of the business.

Chairwoman Smith asked if the item needed to be received and filed.

Director Clark informed Chairwoman Smith the Board can receive and file the item.

Motion to receive and file: DeSantis: Second: Gable

All yeas carried 6-0

Motion to adjourn: DeSantis: Second: Zambron

All yeas carried 6-0