



CITY OF LACKAWANNA OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 10/29/25

Agenda Checklist
Zoning Board of Appeals
Planning and Development Board

Property address 1245 ABBOTT

Reason in front of the board SITE PLAN APPROVAL FOR BAKERY

Special use permit ~~needed~~ for Zoning? Yes/No No Planning? Yes/No No

Agenda Applicant JENEEN BISH

Agenda item REQUEST TO OPEN BAKERY

Zone NEIGHBORHOOD COMMERCIAL

Use variance needed? Yes / No

Description of use ~~var~~iance (not allowed in that zone)

Area variance needed? Yes / No

Description of area ~~var~~iances needed (Parking/ height ect...)

Description of agenda use? REQUEST TO OPEN A NEW BAKERY
IN AN EXISTING BUILDING

Code enforcement ~~res~~earch (attached if applicable) YES

Legal opinion/ ~~resear~~ch (attached if applicable) NO

Scott Hayes
Code Enforcement Officer



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
 Lackawanna, NY 14218
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION
 TO THE CITY OF LACKAWANNA
 PLANNING AND DEVELOPMENT BOARD

Date: 10/8/2025

Application No. _____

Site Plan Review

Filing Fee \$10.00

<input checked="" type="checkbox"/> Less than 0.5 acres	\$ 50.00
<input type="checkbox"/> 0.5 to 1.0 acres	\$ 200.00
<input type="checkbox"/> 1.0 to 2.0 acres	\$ 400.00
<input type="checkbox"/> 2.0 to 5.0 acres	\$ 400.00
<input type="checkbox"/> Greater than 5 acres	
\$ 400.00 plus \$100.00 per acres	\$ _____
<input type="checkbox"/> Special Use Permit	\$ 500.00
<input type="checkbox"/> Development Plan Review	\$ 50.00

Property Address: 1245 Abbott Rd Lackawanna NY 14218

S.B.L. No. _____

Description of Proposed Project: Use building as
a bakery that offers occasional
cake decorating classes

Director of Development

APPLICATION IS HEREBY MADE to the City of Lackawanna Planning and Development Board for a site plan review, special use permit, development plan review or subdivision review as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Jeneen Bish
Name of Applicant

[Redacted Signature]

Signature of Applicant

[Redacted Address]

Address of Applicant

Applicant Phone No.

[Redacted Email]

Applicant's Email

owner
Role of Applicant to Project
(owner, attorney, lessee, agent,
architect, engineer, contractor...)

Property Owner:

NAME: 1245 Abbott Rd LLC.

Address:

[Redacted Address]

Short Environmental Assessment Form

Part I - Project Information

Instructions for Completing

Part I – Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part I – Project and Sponsor Information			
Name of Action or Project: <div style="text-align: center; font-size: 1.2em;">Bakery</div>			
Project Location (describe, and attach a location map): <div style="text-align: center; font-size: 1.2em;">1245 Abbott Rd Lackawanna NY 14218</div>			
Brief Description of Proposed Action: <div style="text-align: center; font-size: 1.2em;">open a bakery</div>			
Name of Applicant or Sponsor: <div style="text-align: center; font-size: 1.2em;">Jeneen Bish</div>		Telephone: [REDACTED]	
Address: [REDACTED]		E-Mail: [REDACTED]	
City/PO: [REDACTED]		State: NY	Zip Code: [REDACTED]
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

a. Will storm water discharges flow to adjacent properties?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
If Yes, explain the purpose and size of the impoundment:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Jeneen Bush Date: 10/8/2025

Signature:  Title: _____

PRINT FORM

10/8/2025

Regarding Property at **1245 Abbott Rd Lackawanna NY 14218** - leased property

Business Name: Bakery Bish

Property to be used as a bakery

Services offered at above property: Custom cakes, cupcakes, a variety of baked goods, breakfast as well as occasional cake decorating classes / events

Property in past has been established as a restaurant.

There are no plans for construction at this time only cosmetic updates such as cleaning and painting.

Thank You

1245 Abbott Road Bakery



Parking Lot

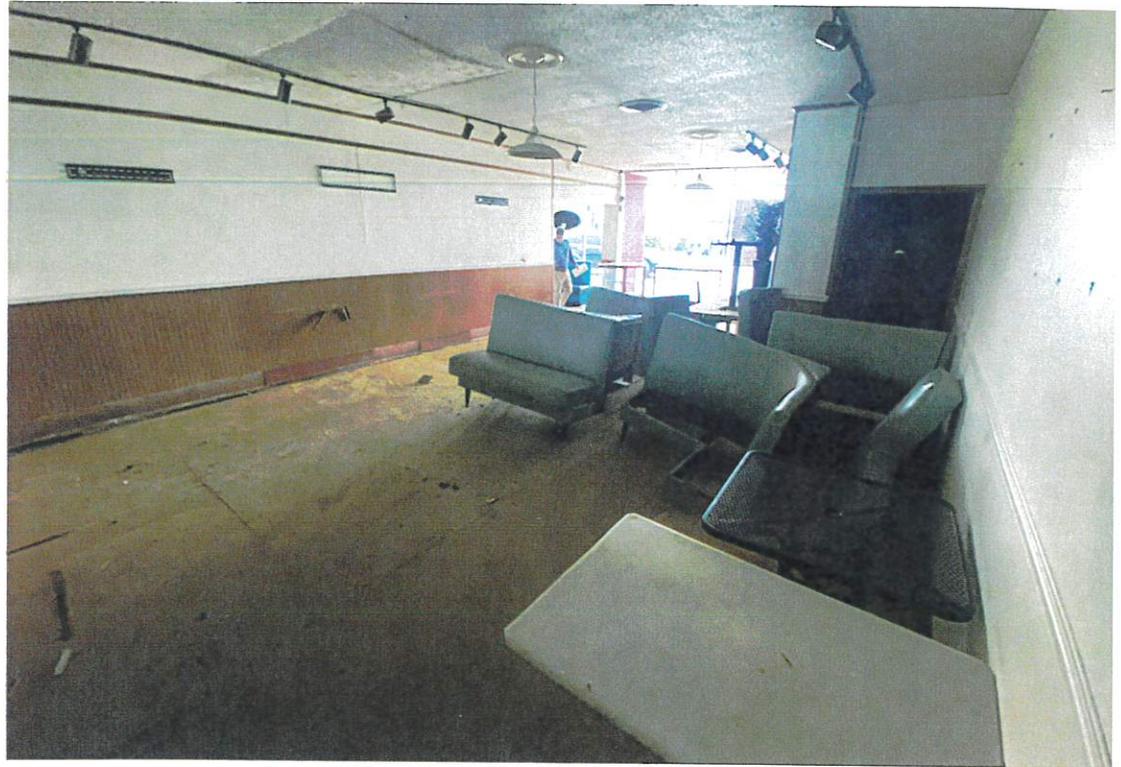
X = seating

- main bakery area
- will place a bakery display case in circled area
- Room to be cosmetically updated



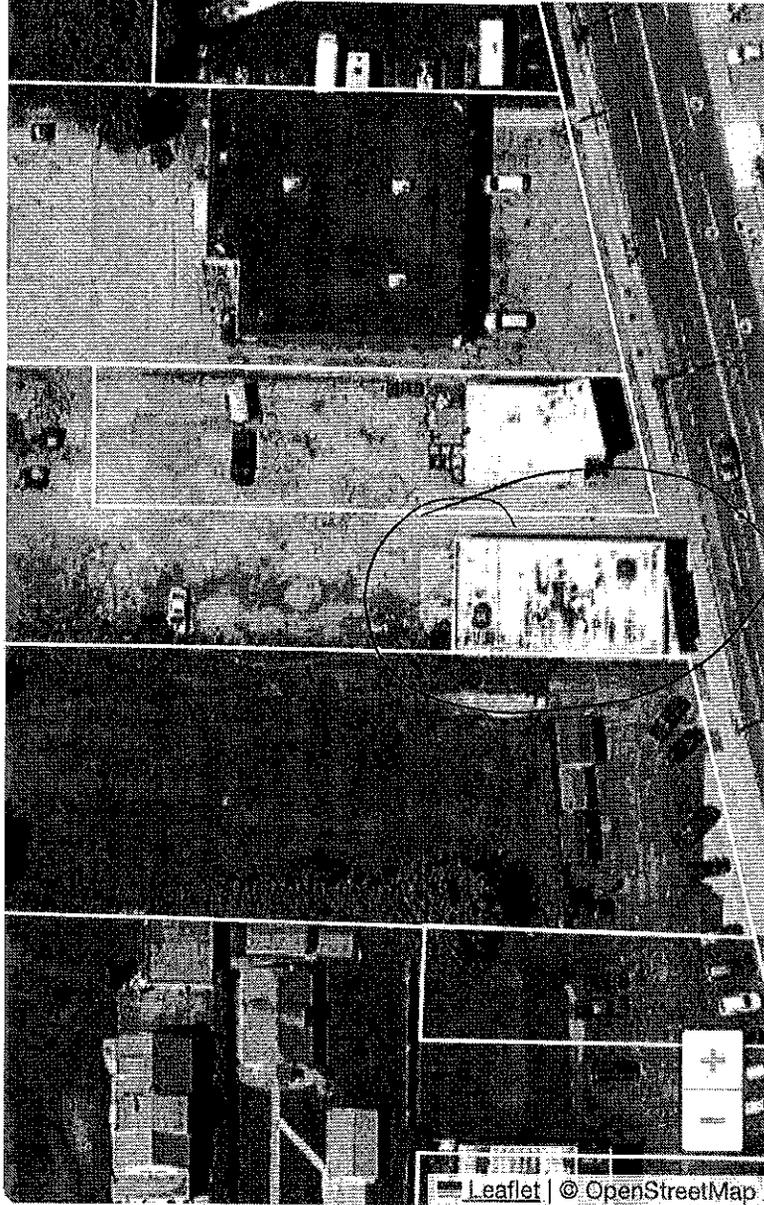
large area to be where
cake decorating events will
be held

To be cosmetically updated





Google maps
Sunrise



1245 Abbott Rd



Lackawanna, New York

 Google Street View

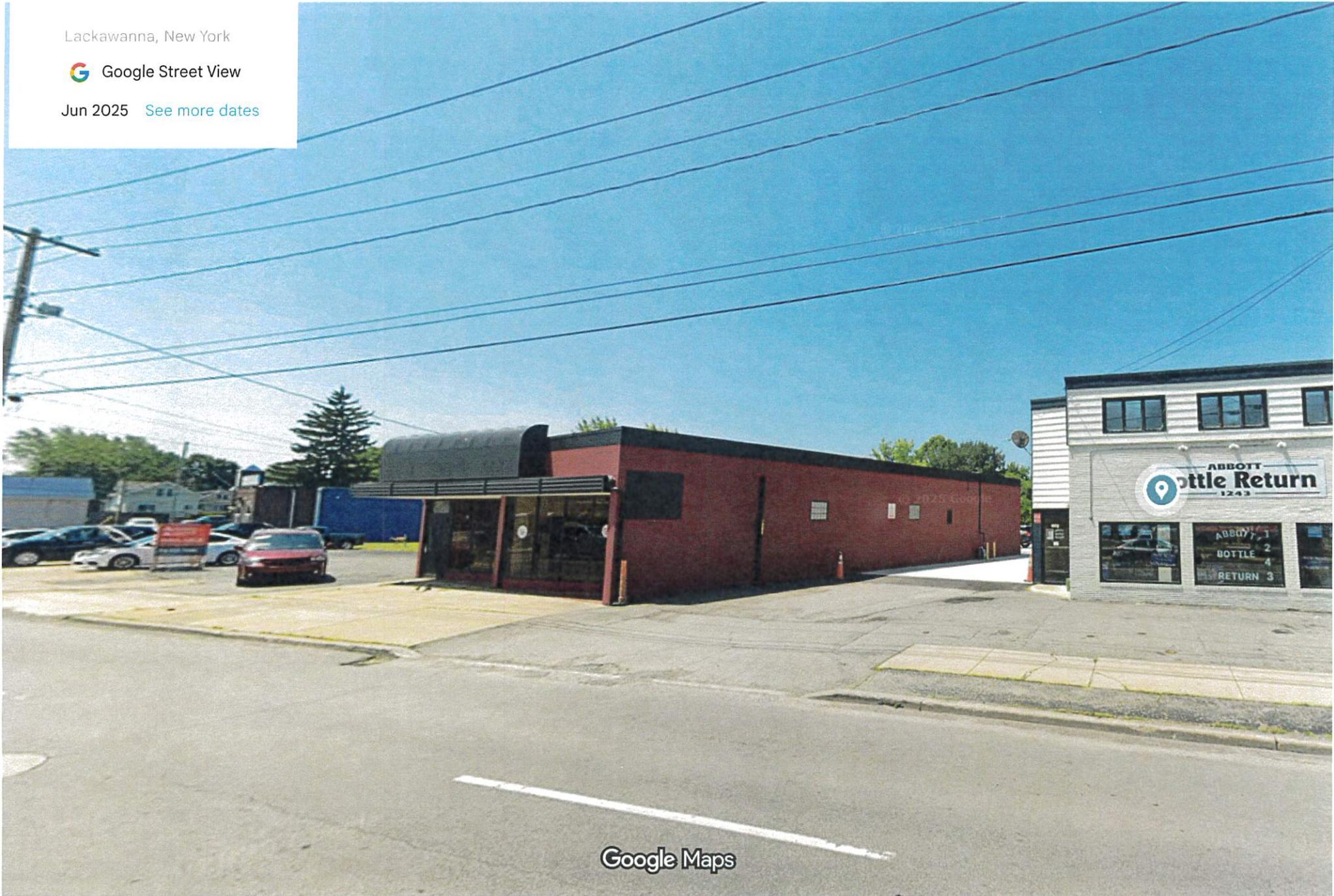
Jun 2025 [See more dates](#)



Lackawanna, New York

 Google Street View

Jun 2025 [See more dates](#)





I want to...

1233



0

1243

0

1245

1255



Lease Agreement

This lease, entered into this _____ day of September, 2025 between 1245 ABBOTT ROAD LLC, with an address of [REDACTED] ("Landlord") and BAKERY BISH LLC, with an address of 1245 Abbott Road, Lackawanna, New York 14218 ("Tenant") and JENEEN BISH ("Guarantor") for the following premises: 1245 Abbott Road, Lackawanna, New York 14218 (the "Property").

1. **TERM.** The lease term will begin on October ^{15, 2025 PH} ~~1, 2025~~ will terminate on September 30, 2028 unless it is renewed. Tenant shall provide written notice of intent to renegotiate a new lease to the Landlord at least 60 days prior to termination date. Any subsequent renewal will be for a term of one (1) year.
2. **LEASE PAYMENTS.** Tenant shall pay to Landlord monthly payments payable in advance on the first day of each month. All lease payments are payable to 1245 ABBOTT ROAD LLC, with an address of [REDACTED] which address may be changed from time to time by the Landlord.
 - a.) Year 1: Monthly rent of \$3700.00
 - b.) Year 2: Monthly rent of \$3800.00
 - c.) Year 3: Monthly rent of \$3900.00
3. **LATE PAYMENTS.** There shall be a late fee of 2% of the lease payment due on any lease payments received later than the 5th day of the month.; said late fee is not intended to create an alternative payment date and acceptance of any rent later than the 5th day of the month shall not be construed to waive any rights of the Landlord. Acceptance of late rents shall not waive the right of the Landlord to demand payment on the first day of subsequent months. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent".
4. **SECURITY DEPOSIT.** The tenant will pay over to the Landlord upon execution of this Lease \$3700.00 as a security deposit. The security deposit shall be held by the Landlord during the term of this Lease or any extension or renewal thereof, as a security deposit for the full, faithful and punctual performance by the Tenant of all lawful covenants and conditions of this Lease. The security deposit may be held for a period of up to 60 days after the property is vacated in order to assess the condition of the space. Assessments and possible deductions will be made at the time prior to the balance, if any, being returned to the Tenant. It is further understood that the security deposit is not to be considered prepaid rent, nor shall damages be limited to the amount of the security deposit. This security deposit is not meant to replace rent or late fees due.
5. **POSSESSION.** Tenant shall be entitled to possession on the first day of the term of this Lease and shall yield possession to Landlord on the last day of the term of this Lease, unless otherwise agreed by both parties in writing.
6. **USE OF PREMISES.** Tenant may use the Premises only for operation of a bakery.

7. **SIGNAGE.** Landlord will display Tenant name on the sign attached to the specific building in which the Tenant has leased space. No other Tenant provided signs will be permitted to be displayed on the property without the express written consent of the Landlord.
8. **CONDITION OF PREMISES.** Lessee has examined the Leased Premises and accepts them in their present condition except as otherwise expressly provided herein and without any representations on the part of Lessor or its agents as to the present or future condition as the reasonable use thereof will permit.
9. **SUBLETTING/ASSIGNING.** The Tenant will not assign this Lease, nor sublet the Premises, or any part thereof, nor make any alteration of the Premises without the Landlord's prior consent in writing.
10. **MAINTENANCE.** Tenant shall have the responsibility to maintain the Premises in good repair at all times. The Tenant shall not permit the leased premises to be overloaded, damaged, stripped or defaced, nor suffer any waste. The Tenant shall not make any structural alterations to the leased premises, but may make non-structural alterations provided the Landlord consents thereto in writing which consent shall not be unreasonable withheld or delayed. All such allowed alterations shall be at Tenant's expense and shall be in quality at least equal to the present construction. Any alterations or improvements made by the Tenant shall become the property of the Landlord at the termination of the occupancy as provided herein.
11. **UTILITIES AND SERVICES.** Tenant shall be responsible for water, gas (heating) and electric (lighting and air conditioning), property maintenance (including snow removal) and trash removal.
12. **REAL ESTATE TAXES.** Landlord shall pay all real estate taxes and assessments for the Premises.
13. **LIABILITY INSURANCE.** Tenant shall maintain liability insurance in a total aggregate sum of at least \$ 1,000,000. Tenant shall deliver appropriate evidence to Landlord as proof that adequate insurance is in force. Landlord shall have the right to require that the Landlord receive notice of any termination of such insurance policies.
14. **INSURANCE.** The Tenant understands and agrees that it shall be the Tenant's own obligation to insure their personal property located at the Premises and the Tenant further understands that the Landlord will not reimburse the Tenant for damage to the Tenant's personal property.
15. Tenant and Landlord shall each indemnify and hold the other harmless from and against any and all liability, loss, cost, damage or expense incurred by the party to be indemnified which arises out of the negligent acts or omissions of the indemnifying party, or its agents, servants, employees or representatives.
16. **SUBORDINATION OF MORTGAGES.** This Lease shall be subject and subordinate to the lien of any mortgage or mortgages or deed or deeds of trust, which at any time may be placed upon the Lessor's interest in the Demised Premises.

17. **EMINENT DOMAIN.** If the property or any part thereof wherein the Demised Premises are located shall be taken by public or quasi-public authority under any power of eminent domain or condemnation, this Lease, at the option of Lessor shall forthwith terminate. Lessee in no event shall have any claim or interest in or to any award of damages for such taking.
18. **DESTRUCTION OF PROPERTY.** In the event of the destruction of the Demised Premises or the building containing the Demised Premises by fire, explosion, the elements or otherwise, during the term hereby created or previous thereto, or such partial destruction thereof as to render the Demised Premises wholly untenable or unfit for occupancy, then the Lessor shall have a period of forty-five (45) days from the date of such destruction or partial destruction of the Demised Premises to determine, at its election whether the Demised Premises should be rebuilt, and Lessor thereafter shall have a period of one hundred twenty (120) days from the date of commencement of substantial repairs or reconstruction of the Demised Premises to rebuild the Demised Premises to the same condition as upon initial delivery thereof to Lessee. Notwithstanding the foregoing, the term hereby created, at the option of the Lessor, shall cease and become null and void from the date of such damage or destruction; and if such option is exercised the Lessee shall immediately surrender Demised Premises and all Lessee's interest therein to Lessor and shall pay rent only to the time of such surrender. However, should the Demised Premises be rendered wholly or partially untenable and unfit for occupancy but yet be repairable, at the Lessor's election the Lessor shall repair the same with reasonable promptness, and in that case the rent accrued and accruing shall not cease and determine. Lessee shall immediately notify Lessor in case of fire or other damage to the premises. No claim shall be made by the Lessee in any case for compensation or damages by reason of interruption of its business through any such destruction and damage to the Demised Premises or arising from the necessity of repairing any portion of the entire premises of which the Demised Premises are a part.
19. **DEFAULT.** Tenant shall be in default of this Lease if Tenant fails to fulfill any lease obligation or term by which Tenant is bound. Subject to any governing provisions of law to the contrary, if Tenant fails to cure any financial obligation within 30 days (or any other obligation within 30 days) after written notice of such default is provided by Landlord to Tenant, Landlord may take possession of the Premises without further notice (to the extent permitted by law), and without prejudicing Landlord's rights to damages. In the alternative, Landlord may elect to cure any default and the cost of such action shall be added to Tenant's financial obligations under this Lease. Tenant shall pay all costs, damages, and expenses (including reasonable attorney fees and expenses) suffered by Landlord by reason of Tenant's defaults. All sums of money or charges required to be paid by Tenant under this Lease shall be additional rent, whether or not such sums or charges are designated as "additional rent". The rights provided by this paragraph are cumulative in nature and are in addition to any other rights afforded by law.
20. **ATTORNEY'S FEES AND PENALTIES.** If the Tenant shall at any time be in default hereunder, and if the Landlord shall institute an action or summary proceedings against the Tenant based on such default, then the Tenants will reimburse the Landlord for the expense of attorney's fees and disbursements thereby incurred by the Landlord, so far as the same are reasonable in amount. So long as the Tenant shall be a Tenant hereunder, the amount of such expenses shall be deemed to be "additional rent" hereunder and shall be due from the Tenant to the Landlord on the first day of the month following the incurring of such respective expenses.
21. **RIGHT OF ENTRY.** The Landlord or his agent shall be permitted to enter the Premises for the purpose of necessary inspection and repair, at reasonable hours. If the Tenant fails or refuses to

permit such entry at reasonable hours, or the Tenant shall not be personally present, the Landlord, his agents or employees may forcibly or by master key enter therein without incurring any liability or responsibility whatsoever for such entry or for the care of the premises or articles therein.

- 22. CONDITION OF PREMISES ON TERMINATION.** The Tenant, at the termination of the lease, by expiration or otherwise, shall surrender the premises to the Landlord in good condition, broom clean, ordinary wear and tear expected.
- 23. HOLDOVER.** If the Tenant remains in possession without written consent of the Landlord at the expiration of the term hereof or its termination, then the Landlord may recover, in addition to possession, the monthly rental stipulated above for each month, or portion thereof, during the Tenant's holdover period, one and one half (1 ½) times the monthly lease payment, plus the Landlord's cost of recovering said amounts and possession including reasonable attorney's fees.
- 24. NON-SUFFICIENT FUNDS.** Tenant shall be charged \$50.00 for each check that is returned to Landlord for lack of sufficient funds.
- 25. CUMULATIVE RIGHTS.** The rights of the parties under this Lease are cumulative, and shall not be construed as exclusive unless otherwise required by law.
- 26. NOTICE.** Notices under this Lease shall not be deemed valid unless given or served in writing and forwarded by mail, postage prepaid, addressed as follows:

Landlord:

1245 ABBOTT ROAD LLC



Tenant:

BAKERY BISH LLC
1245 Abbott Road
Lackawanna, New York 14218

- 27. GOVERNING LAW.** This Lease shall be construed in accordance with the laws of the State of New York.
- 28. SEVERABILITY.** If any portion of this Lease shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Lease is invalid or unenforceable, but that by limiting such provision, it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

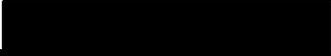
29. **WAIVER.** The failure of either party to enforce any provisions of this Lease shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

30. **JOINT AND SEVERAL OBLIGATIONS.** If this Lease is executed by more than one person or entity as Tenant, then and in that event all the obligations incurred by the Tenant under this Lease shall be joint and several.

31. **BINDING EFFECT.** And it is mutually understood and agreed that the covenants and agreements contained in this Lease shall be binding upon the parties hereto and upon their respective heirs, successors, executors and administrators.

32. **COMPLETE AGREEMENT.** It is agreed, except as herein otherwise provided, that no amendment or change or addition to this Lease shall be binding upon the Landlord or Tenant unless reduced to writing and signed by the parties hereto. It is hereby agreed that this is the entire agreement of the parties.

LANDLORD: 1245 ABBOTT ROAD LLC:

By  _____
Member

TENANT: BAKERY BISH LLC:

By  _____
Member

GUARANTOR:

 _____
Jeneen Bish, individually

Date: 9-18-2025



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

October 20, 2025

Jeneen Bish



Re: 1245 Abbott Rd

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

Planning and Development Board

Zoning Board of Appeals

Date: October 29, 2025

Date:

Time: 6:00PM

Time:

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6421
Boarding Neighbors
1243 Abbott Road LLC – 1243 Abbott Rd
Daniel Zielinski – 1255 Abbott Rd
Daniel Zielinski – 1265 Abbott Rd
Daniel Zielinski – 1269 Abbott Rd
Daniel Zielinski – 1271 Abbott Rd



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

October 20, 2025

1245 Abbott Road LLC



Re: 1245 Abbott Rd

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

Planning and Development Board

Zoning Board of Appeals

Date: October 29, 2025

Date:

Time: 6:00PM

Time:

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6421

Boarding Neighbors

1243 Abbott Road LLC – 1243 Abbott Rd

Daniel Zielinski – 1255 Abbott Rd

Daniel Zielinski – 1265 Abbott Rd

Daniel Zielinski – 1269 Abbott Rd

Daniel Zielinski – 1271 Abbott Rd



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Bordering Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

1. Site Plan Review
2. _____ Special Use Permit
3. _____ Development Plan Review
4. _____ Variance
5. _____ Zoning Law Appeals

Property owner: 1245 Abbott Road LLC

Address: 1245 Abbott Rd

In reference to: Requesting site plan approval to open a bakery

You are entitled to appear at the public hearing scheduled for **10/29/25 @ 6:00PM** in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board
Department of Development
714 Ridge Road, Room 311
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6421

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA



CITY OF LACKAWANNA OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311
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Tel: (716) 827-6474 Fax: (716) 827-1866



Date 10/29/25

Agenda Checklist
Zoning Board of Appeals
Planning and Development Board

Property address 1590 ABBOTT ROAD.

Reason in front of the board SITE PLAN APPROVAL

Special use permit needed for Zoning? Yes No Planning? Yes No

Agenda Applicant DAVID COUSIANA ARCHITECTS

Agenda item REQUESTING TO BUILD NEW ADDITION

Zone NEIGHBORHOOD COMMERCIAL

Use variance needed? Yes No

Description of use variance (not allowed in that zone) ✓

Area variance needed? Yes No

Description of area variances needed (Parking/ height ect...) ✓

Description of agenda use? SITE PLAN APPROVAL FOR NEW
ADDITION.

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes
Code Enforcement Officer



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

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 Lackawanna, NY 14218
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION
 TO THE CITY OF LACKAWANNA
 PLANNING AND DEVELOPMENT BOARD

Date: _____

Application No. _____

Site Plan Review

Filing Fee \$10.00

_____ Less than 0.5 acres	\$ 50.00
_____ 0.5 to 1.0 acres	\$ 200.00
_____ 1.0 to 2.0 acres	\$ 400.00
_____ 2.0 to 5.0 acres	\$ 400.00
_____ Greater than 5 acres	
\$ 400.00 plus \$100.00 per acres	\$ _____
_____ Special Use Permit	\$ 500.00
_____ Development Plan Review	\$ 50.00

Property Address: 1596 ABBOTT ROAD

S.B.L. No. 142.16-2-32.1

Description of Proposed Project: single story frame addition to
an existing retail store for addition retail
sales, storage and loading area.

Director of Development

APPLICATION IS HEREBY MADE to the City of Lackawanna Planning and Development Board for a site plan review, special use permit, development plan review or subdivision review as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

DAVID GIVSIANO AS AGENT
Name of Applicant

[REDACTED]
Signature of Applicant

[REDACTED]
Address of Applicant

[REDACTED]
Applicant Phone No.

[REDACTED]
Applicant's Email

ARCHITECT
Role of Applicant to Project
(owner, attorney, lessee, agent,
architect, engineer, contractor...)

Property Owner:

NAME: Feryeh Berman

Address:

[REDACTED]

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

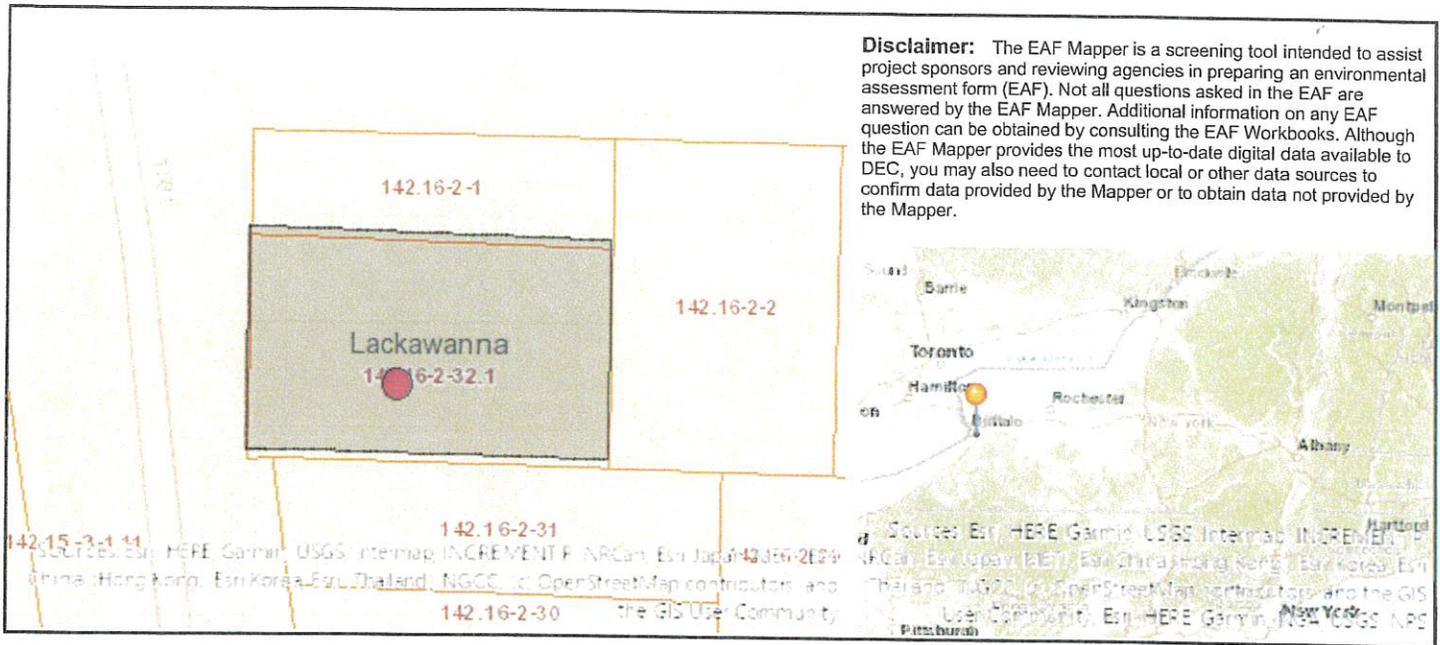
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Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: RETAIL ADDITION				
Project Location (describe, and attach a location map): 11590 ABBOTT ROAD LACKAWANNA				
Brief Description of Proposed Action: SINGLE STORY FRAME ADDITION FOR EXPANSION OF EXISTING RETAIL USE				
Name of Applicant or Sponsor: DAVID GIUSIANA AS AGNT FOR OWNER		Telephone: [REDACTED]		
		E-Mail: [REDACTED]		
Address:				
City/PO: q		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: VARAINCE			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		LESS THAN 1 acres		
b. Total acreage to be physically disturbed?		LESS THAN 1 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		LESS THAN 1 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>DAVID GIUSIANA AS AGENT FOR OWNER</u> Date: <u>5 SEPT 2025</u>		
Signature: _____ Title: _____		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

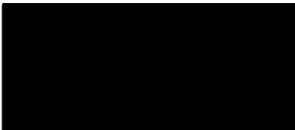


CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

October 20, 2025

David Giusiana



Re: 1590 Abbott Rd

The above item has been placed on the agenda for the next scheduled meeting of the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna.

Planning and Development Board

Zoning Board of Appeals

Date: October 29, 2025

Date:

Time: 6:00PM

Time:

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6421
Boarding Neighbors
June Zak – 1586 Abbott Rd
Jamil Munassar – 1596 Abbott Rd
Jane Lapi – 1608 Abbott Rd
Ali Mussa – 17 Elmview Ave
Linda Ferguson – 16 Wiesner Rd



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

October 20, 2025

Fergeh Berman



Re: 1590 Abbott Rd

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CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Bordering Property Notice

Dear Sir or Madam:

As an adjoining property owner in the City of Lackawanna, you are hereby notified that a neighbor has made application to the Planning and Development Board and/or Zoning Board of Appeals of the City of Lackawanna as follow;

1. Site Plan Review
2. Special Use Permit
3. Development Plan Review
4. Variance
5. Zoning Law Appeals

Property owner: Fergeh Berman

Address: 1590 Abbott Rd

In reference to: Requesting site plan approval for proposed 2,466 sqft addition to existing building

You are entitled to appear at the public hearing scheduled for **10/29/25 @ 6:00PM** in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

Planning & Development Board/Zoning Board
Department of Development
714 Ridge Road, Room 311
Lackawanna, NY 14218

If you have any questions regarding the meeting, please call 716-827-6421

PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA

PREMISES SITUATED IN
PART OF LOT 340, TOWNSHIP 10, RANGE 7
OF THE BUFFALO CREEK RESERVATION
CITY OF LACKAWANNA,
ERIE COUNTY, NEW YORK

BEING:
SUB LOTS - 430 & 431
MAP COVER-1430

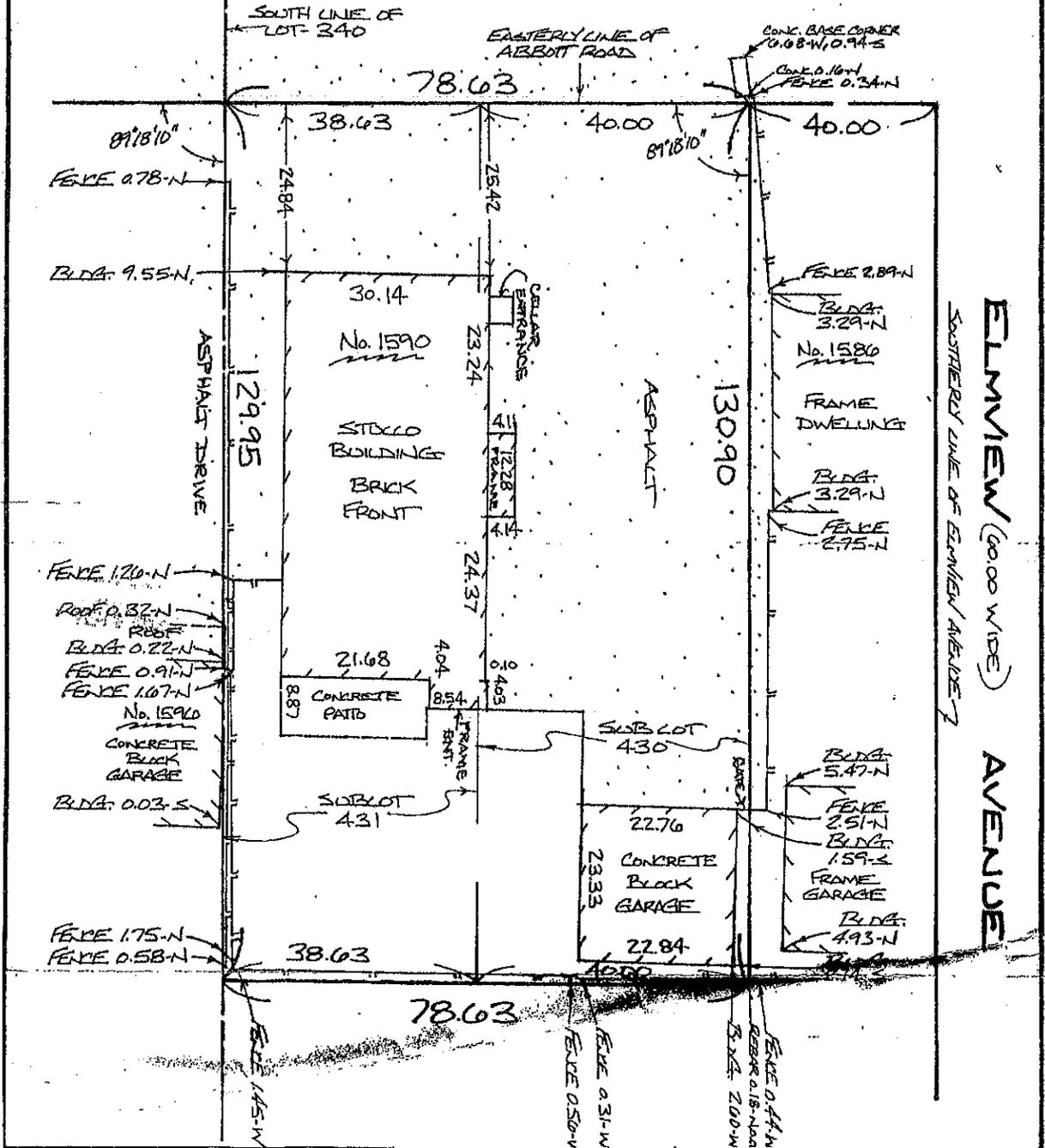
ALTERING ANY ITEM ON THE MAP IS IN VIOLATION
OF THE LAW, EXCEPTING AS PROVIDED IN SECTION
3209 PART 2 OF THE NEW YORK STATE EDUCATION LAW

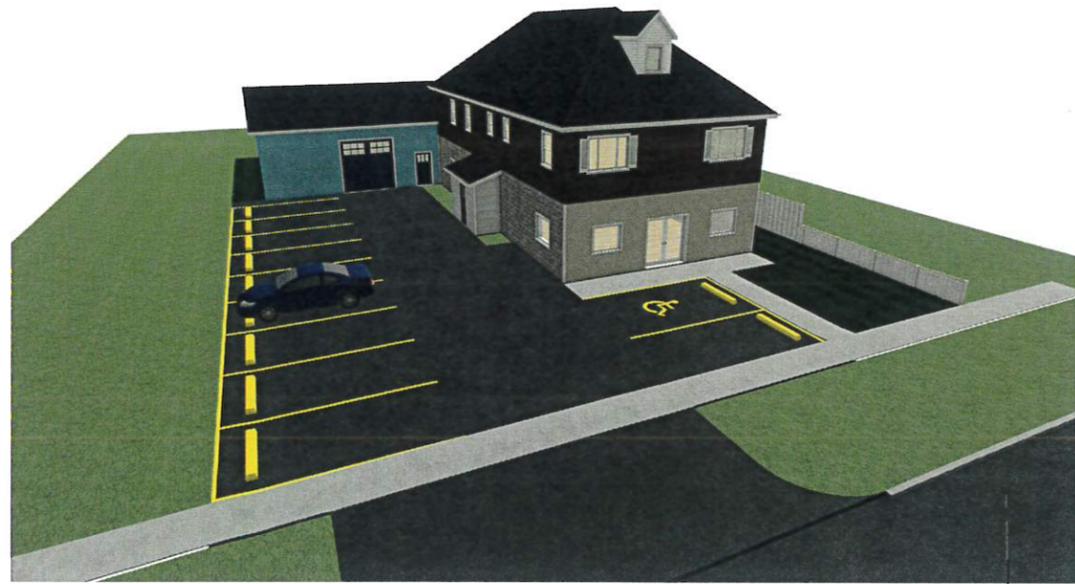
ABBOTT (60.00 WIDE) ROAD

THIS MAP VOID UNLESS EMBOSSED
WITH NEW YORK STATE LICENSED

LAND SURVEYOR'S SEAL NO. 050182

SCALE: 1"=20'

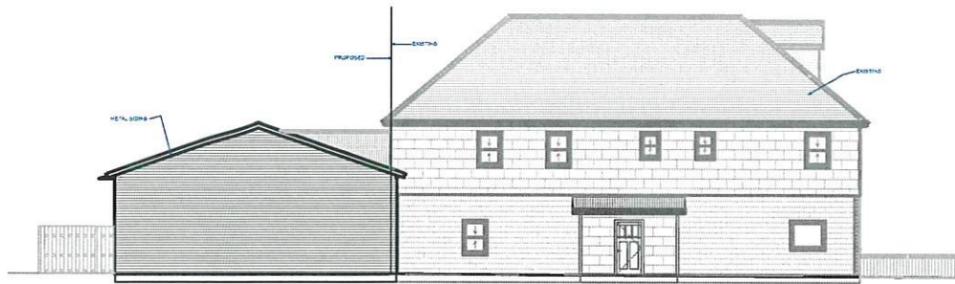




ZONING INFORMATION
TAX MAP 142.16-2-32.1

	REQUIRED	PROVIDED
SETBACK FRONT =	10	EXISTING
SIDE =	0	5
REAR =	10	10

LOT AREA = 10,259.65 SQUARE FEET
 BUILDING COVERAGE REQUIRED 50% OR 5,129.83 PERCENT
 PROPOSED BUILDING COVERAGE PERCENTAGE = 4695 OR 45.7%
 GREEN AREA = 1,021 SQ FT
 LOT COVERAGE REQUIRED 80% OR 8,207 SQUARE FEET
 PROPOSED LOT COVERAGE PERCENTAGE = 80%

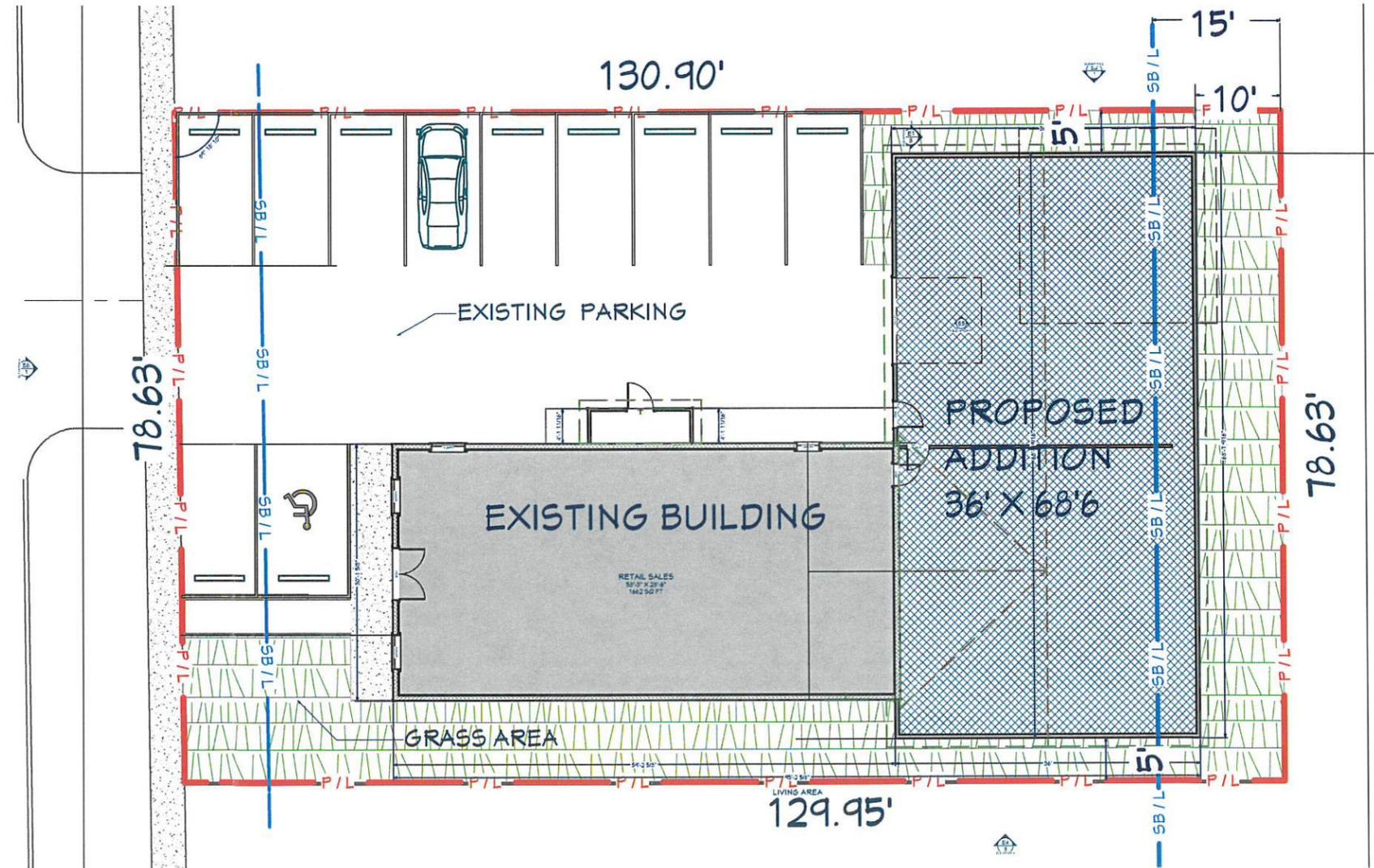


3 SIDE ELEVATION
SCALE: 3/32" = 1'-0"



2 FRONT ELEVATION
SCALE: 3/32" = 1'-0"

ABBOTT ROAD



1 SITE PLAN
SCALE: 1/8" = 1'-0"

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Member of
The American
Institute
of Architects

ISSUE DATE:
10 OCT 2025
JOB NO.
DCG-AN
PROJECTS 205
910 BROADWAY
BUFF
Drawn By: DCG
Checked By: dcg

REVISIONS:		
NO.	DESCRIPTION	DATE

WWW.GIUSIANA.COM
716-754-2522
625 Center Street Lewiston, New York 14092
david.giusiana@gmail.com - WWW.GIUSIANA.COM
PH. 716-754-2522
GIUSIANA
ARCHITECTS

RETAIL ADDITION
1590 ABBOTT ROAD
LACKAWANNA NY
C:\projects 2025\1590 abbott road lack\1590
ABBOTT ROAD LACK 20 AUG 2025.layout

SHEET NO.
S-1



CITY OF LACKAWANNA
OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



Date 10/29/25

Agenda Checklist
Zoning Board of Appeals
Planning and Development Board

Property address 1769 ABBOTT ROAD

Reason in front of the board SITE PLAN APPROVAL

Special use permit ~~needed~~ for Zoning? Yes/ No Planning? Yes/ No

Agenda Applicant OMAR ALWABRI

Agenda item REQUESTING TO OPEN AN YEMENI RESTAURANT

Zone NEIGHBORHOOD COMMERCIAL

Use variance needed? Yes/ No

Description of use ~~var~~ variance (not allowed in that zone) —

Area variance needed? Yes/ No

Description of area ~~var~~ variances needed (Parking/ height ect...) —

Description of agenda use? REQUESTING TO OPEN YEMENI RESTAURANT AND CAFE AT OLD NITE CAFE.

Code enforcement research (attached if applicable) YES

Legal opinion/ research (attached if applicable) NO

Scott Hayes
Code Enforcement Officer



CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

714 Ridge Road – Room 309
 Lackawanna, NY 14218
 Tel: (716) 827-6421 Fax: (716) 827-1866



APPLICATION
 TO THE CITY OF LACKAWANNA
 PLANNING AND DEVELOPMENT BOARD

Date: 9/5/25

Application No. _____

Site Plan Review	Filing Fee \$10.00	—
<input checked="" type="checkbox"/> Less than 0.5 acres	\$ 50.00	—
<input type="checkbox"/> 0.5 to 1.0 acres	\$ 200.00	
<input type="checkbox"/> 1.0 to 2.0 acres	\$ 400.00	
<input type="checkbox"/> 2.0 to 5.0 acres	\$ 400.00	
<input type="checkbox"/> Greater than 5 acres		
\$ 400.00 plus \$100.00 per acres	\$ _____	
<input type="checkbox"/> Special Use Permit	\$ 500.00	
<input type="checkbox"/> Development Plan Review	\$ 50.00	

Property Address: 1769 Abbott Rd

S.B.L. No. _____

Description of Proposed Project: is the establishment of Yemeni restaurant and cafe at the address above. the restaurant will feature traditional Yemeni cuisine such as Mandi, Fahsa, Saltah and fish, in addition to a Cafe serving Yemeni style tea coffee and popular American beverages (espresso, cappuccino, latte iced drinks). The cafe will also offer traditional Yemeni desserts alongside American style sweets. The building has a large parking area for customers.

Director of Development

APPLICATION IS HEREBY MADE to the City of Lackawanna Planning and Development Board for a site plan review, special use permit, development plan review or subdivision review as required by the Municipal Code of the City of Lackawanna. The applicant hereby agrees to comply with all applicable laws, rules, ordinances and regulations.

Omar Alwabri

Name of Applicant

[Redacted Signature]

Signature of Applicant

[Redacted Address]

Address of Applicant

[Redacted Phone No.]

Applicant Phone No.

[Redacted Email]

Applicant's Email

owner

Role of Applicant to Project
(owner, attorney, lessee, agent,
architect, engineer, contractor...)

Property Owner:

NAME: Omar Alwabri

Address:

[Redacted Address]

Director of Development

Mazaj Cafe & Restaurant

List of Services

- 1- Dine-in restaurant service.
- 2- Take-out orders.
- 3- Full cafe service with hot and cold beverages.
- 4- Yemeni and middle eastern desserts, along with American style sweets.
- 5- Family friendly dining atmosphere with indoor seating.
- 6- Future option for delivery service.

1769 ABBOTT

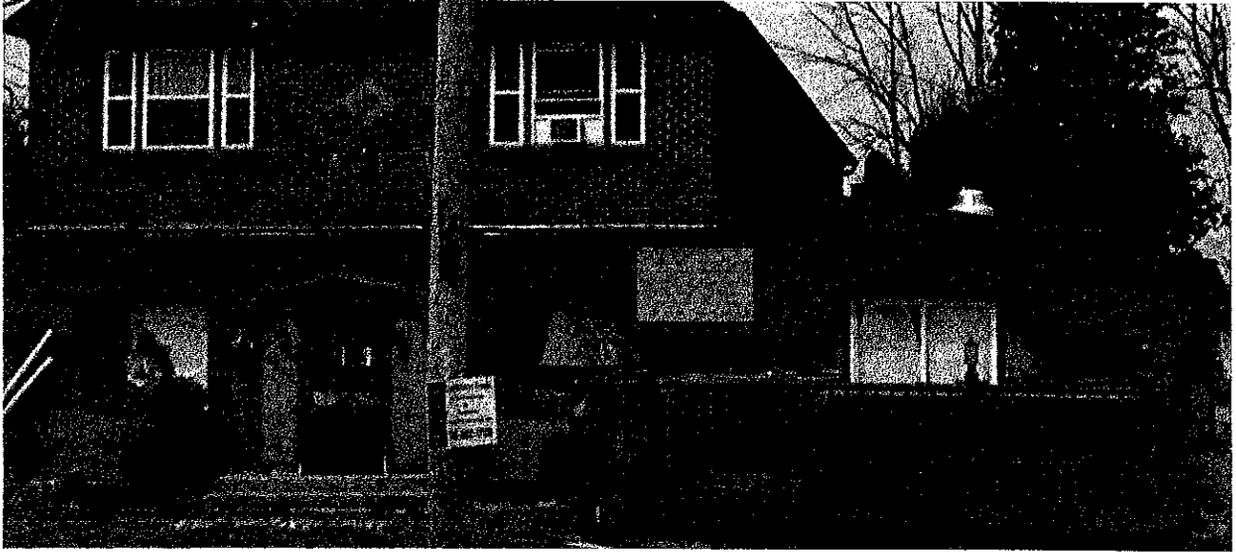


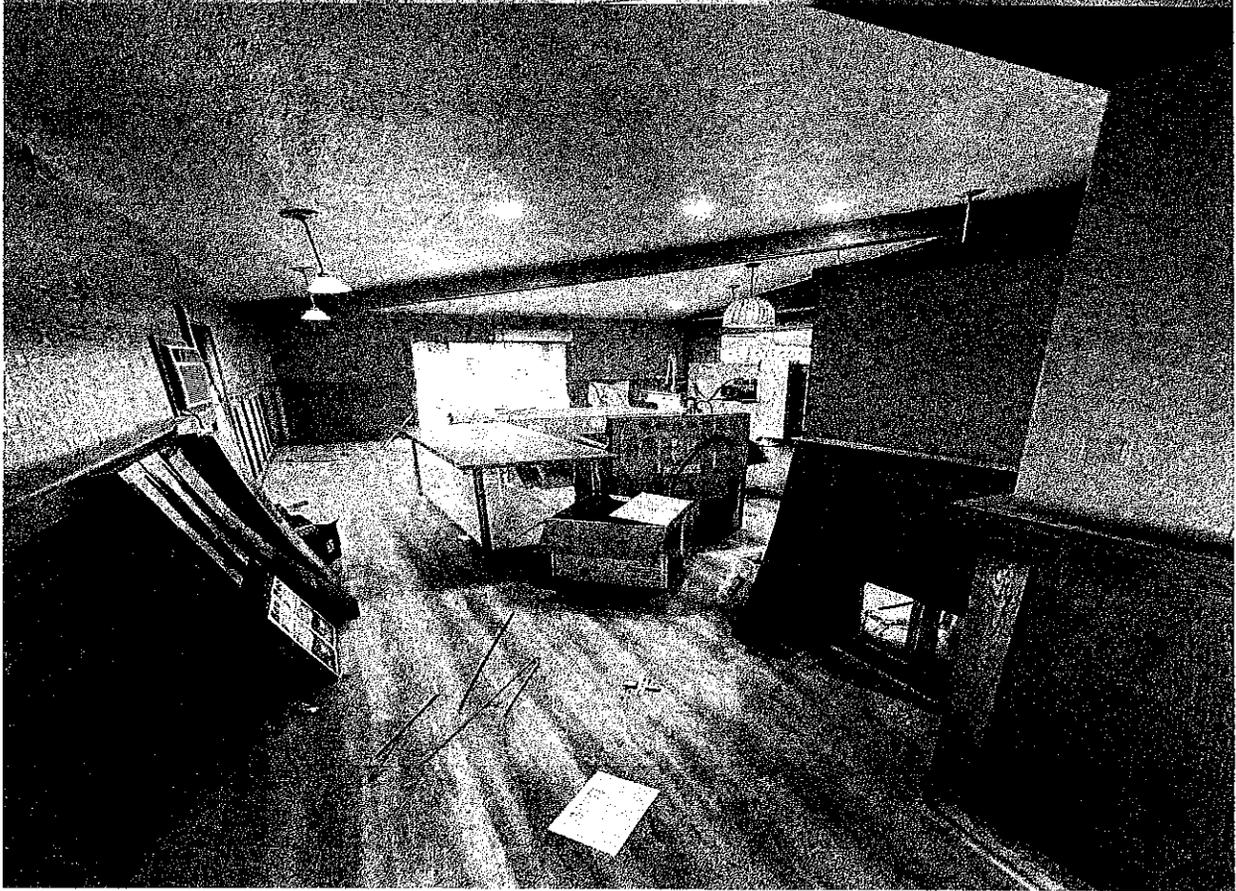
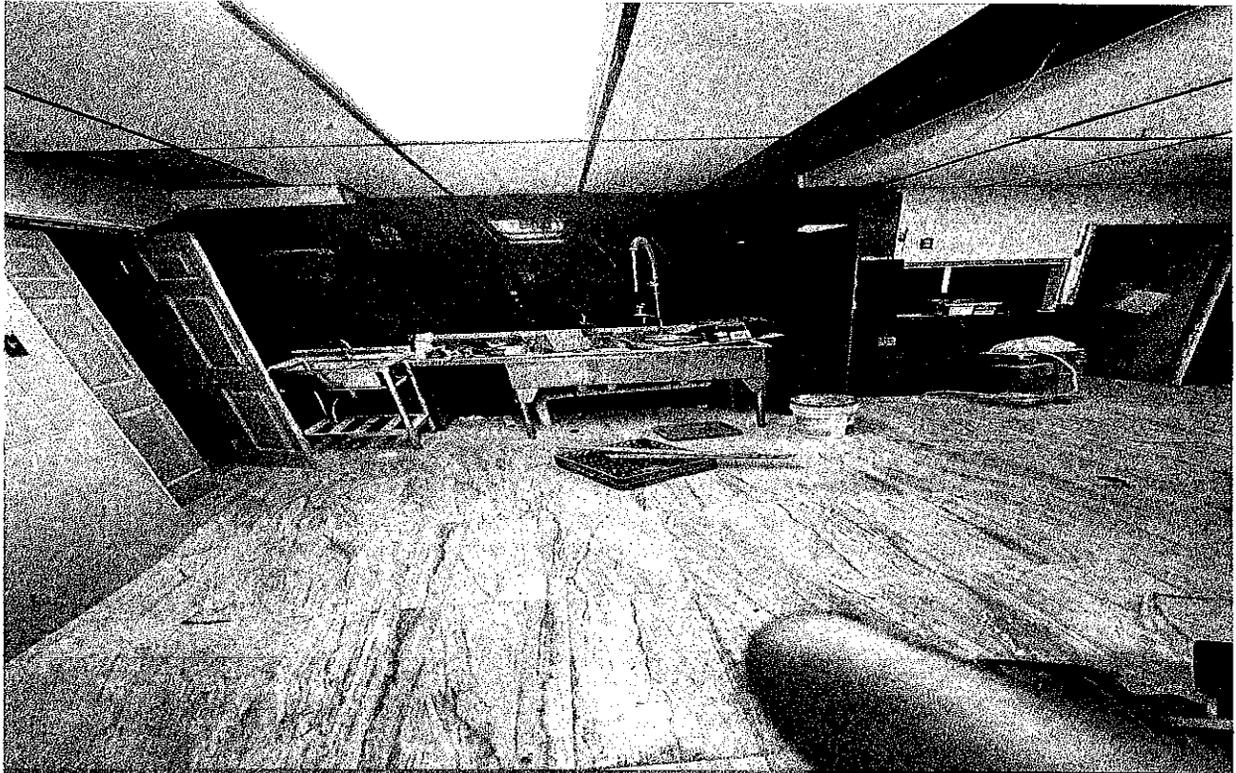
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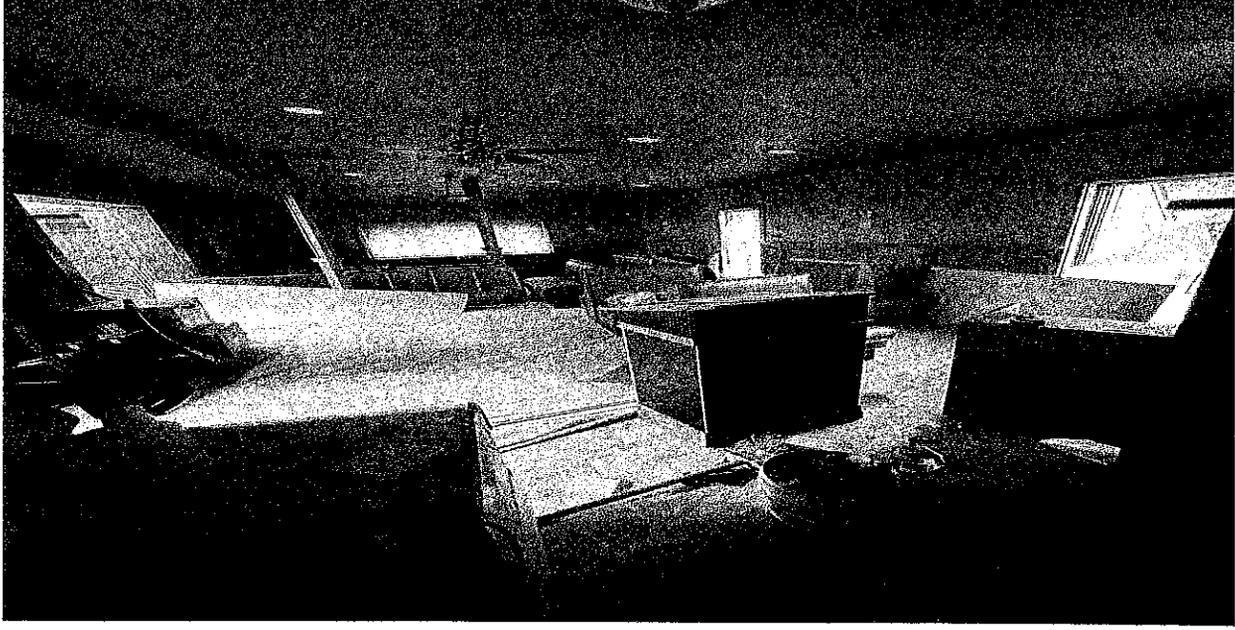
MAZAJ CAFE & RESTAURANT

2 FT ↑













CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT

Application Notice

October 20, 2025

Omar Alwabri



Re: 1769 Abbott Rd

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Planning and Development Board

Zoning Board of Appeals

Date: October 29, 2025

Date:

Time: 6:00PM

Time:

City Council Chambers Room 241
Lackawanna City Hall

If you have any questions please feel free to call 827-6421

Boarding Neighbors

Thomas Mellody – 586 Martin Rd

Patrick Sireika – 1741 Abbott Rd

Alicia Maymi – 1745 Abbott Rd

Mark Zawadzki – 1749 Abbott Rd



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DEPARTMENT OF DEVELOPMENT

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1. Site Plan Review
2. Special Use Permit
3. Development Plan Review
4. Variance
5. Zoning Law Appeals

Property owner: Omar Alwabri

Address: 1769 Abbott Rd

In reference to: Requesting site plan approval to open a Yemeni restaurant and café

You are entitled to appear at the public hearing scheduled for 10/29/25 @ 6:00pm in Council Chambers at Lackawanna City Hall to express your support or opposition to the granting of said application.

Communications, relating to the application, may be filed with the appropriate Board before the meeting by writing to:

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PLANNING AND DEVELOPMENT BOARD, CITY OF LACKAWANNA
ZONING BOARD OF APPEALS, CITY OF LACKAWANNA