



## NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR  
ECONOMIC DEVELOPMENT  
6311 INDUCON CORPORATE DRIVE  
SANBORN, NEW YORK 14132

**Joseph Kibler**  
**Chairman**

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### MEETING MINUTES

Niagara County Planning Board

Monday, August 19, 2019 – 2:00 p.m.

Niagara County Center for Economic Development, Sanborn

**Members Present:** Bill Agronin, Walt Garrow, Joseph Kibler, Andrea Klyczek, Richard Muscatello, Thomas Ohol, James Sobczyk, Garret Meal (ex-officio)

**Members Absent:** William Paton

**Staff Present:** Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:00 p.m.
2. A motion was made by Mr. Agronin and seconded by Mr. Garrow to approve the July 15, 2019 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

#### **No. 6627 – City of Lockport – Site Plan Review, Zoning Map Amendment**

Request by Cazenovia Recovery Systems, Inc. for the Planning Board to review a site plan and zoning map amendment for 102 Davison Road for the renovation of the former infirmary building to provide rehabilitation services for 40-45 individuals. The applicant intends to renovate six existing site buildings and construct five new buildings to create 65 new apartment units. The zoning change requested is from RA, Reserve Area to R-3, Multi-Family Residential. The property is 10.3 acres. Representatives from Cazenovia Recovery Systems, the property owners, and area residents were present to discuss the project. Suzanne Bissonette, CEO of Cazenovia Recovery Systems stated the agency provides services for drug addiction rehabilitation and the historical infirmary site would fit their needs for a new facility. Ms. Bissonette stated patients would receive all treatment on site utilizing the infirmary building. The remaining existing buildings and five new buildings will be used for 65 apartments. Ms. Bissonette stated new building construction will occur on the Town of Lockport portion of the property. Ms. Klyczek requested confirmation that the property is in both the City of Lockport and Town of Lockport but only one referral was received from the City of Lockport. Ms. Fisk confirmed that no formal referral was received from the Town of Lockport. Charles Greico, Attorney for the owner, stated a referral request was submitted to the Town of Lockport but he did not know the status of the referral. Mr. Greico also said a recent request to annex the parcel was denied. Chairman Kibler stated the City is holding a public hearing this week on a proposed moratorium for development at the site. Janette Sinclair, neighbor, spoke against the project stating the site is not zoned properly for the use and there would be a negative impact on emergency services. She expressed concerns over traffic and pedestrian

safety since the site is not on a bus route and there are no paved sidewalks. The project will put a strain on the local school district and the Department of Social Services. She also felt the project would diminish the current amount of greenspace. Craig Collins, neighbor, spoke about the impact the project could have on the local baseball diamonds since the tournaments generate a large financial impact on the area. Ryan Mulvey, property owner, spoke about the history of the site as an infirmary for the sick and later as the Niagara County Department of Social Services. The neighborhood was built up around these pre-existing uses. Mr. Mulvey stated Cazenovia will be carrying on with the original intended use of the property which is to help the less fortunate. He said the City of Lockport has had multiple opportunities to rezone the parcel and has taken no action. Mr. Mulvey stated the current recreational zoning does not match the original intended use of the property. He stated the project meets the requirements of the Niagara County RFP by providing the requested multi-tenant housing. Mr. Mulvey feels the argument against the project comes from the opposition to have low-income housing at the site. Carolyn Manning, neighbor, asked the board to consider denial of the project because it does not fit the fabric of the neighborhood that is mostly single-family homes. Ms. Manning stated with the existing neighborhood, the original property use no longer fits the area. Jim Hagenbach, neighbor, would like the property to be rezoned to single family and he feels the County was misled by the purchaser as to their intended use. Mr. Greico stated the planning board should recognize the regional need for the services that Cazenovia can provide to the County. Residents in attendance stated there are many people in opposition to the project and a different location should be sought. Chairman Kibler stated there are several questions that need to be addressed before the board can take vote on the project. A motion to table the project until further information is received from the municipalities involved was made by Ms. Klyczek and seconded by Mr. Agronin. Mr. Muscatello abstained. Unanimous. Carried.

**No. 6628 – Village of Lewiston – Site Plan Review**

Request by David Gusiana, AIA, for the Planning Board to review a site plan for the renovation/demolition and new construction of an existing multi-unit commercial retail building to include a restaurant and retail shops located at 402 Center Street. The property is 0.33 acres and is zoned RB-2, Retail Business. David Gusiana was present to discuss the project. Mr. Gusiana stated that the existing buildings will be renovated to accommodate the Gallo restaurant with the addition of a second floor banquet facility and a patio bar in the front. The current tenants will be relocating to the end of the plaza. The current curb cut will be removed and replaced with greenspace. Gallo restaurant intends to keep its former location and the new restaurant will create additional jobs. A motion for approval was made by Mr. Agronin and seconded by Ms. Klyczek. Unanimous. Carried.

**No. 6620 Town of Wheatfield – Zoning Map Amendment**

Request by JBB & LAB Enterprises, LLC for the Planning Board to review a zoning map amendment to rezone the property located at 2181 Lockport Road from C-1, Commercial, R-2, Residential-2 and M-2, General Industrial to M-2, General Industrial so the vacant property can be reused for industrial purposes. The property is 9.72 acres. John Battaglia of Ensol, Inc. was present to discuss the project. Mr. Battaglia stated the rezoning will help former 84 Lumber property be marketed for reuse. The requested zoning change to M-2, General Industrial is consistent with the surrounding area. The board had no concerns. A motion for approval was made by Ms. Klyczek and seconded by Mr. Sobczyk. Mr. Garrow abstained. Unanimous. Carried.

**No. 6621 Town of Lockport – Site Plan Review**

Request by K Squared Properties, LLC for the Planning Board to review a site plan for the construction of a parking lot accommodating 240+ vehicles to be utilized for the proposed building

expansion of the New York Beer Project located at 6937 S. Transit Road. The property is 3.6 acres and is zoned B-1, Local Business. Timothy Arlington of Apex Engineering was present to discuss the project. There are currently 138 spaces on site and the proposal will add 241 more parking spaces to the south side of the property. A retention pond will be utilized for stormwater management. Landscaping will be installed near the pond and around the perimeter of the property. There will be 3.6 acres of land disturbed and all SPDES requirements have been met. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

**No. 6622 City of Lockport – Site Plan Review, Area Variance**

Request by Kenyons Limited Partnership for the Planning Board to review a site plan and area variance request for the construction of a 112.5 sq. ft. addition to the existing retail convenience store located at 1121 Lincoln Avenue. The property is 0.6 acres and is zoned, B-1, Local Business. Timothy Arlington of Apex Engineering was present to discuss the project. The proposed project will add a 6' x 18.9' handicapped accessible bathroom and a new cooler to the west side of the building. The proposed setback is 4.4' where 10' is required. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. Unanimous. Carried.

**No. 6623 Town of Lewiston – Withdrawn**

**No. 6624 – Town of Pendleton – Site Plan Review**

Request by Key Bank National Association for the Planning Board to review a site plan for the subdivision of SBL #166.00-1-19-1 & SBL #166.00-1-19.2 located at 6950 South Transit Road. The newly created parcel will be sold to NYSDEC for a wildlife management area. The properties total 38.28 acres and are zoned CO-2, Medium Commercial. Ms. Fisk stated the DEC would like to purchase the property to preserve the existing wetland area. The Key Bank parcel will be 16.256 acres and the DEC parcel will be 22.032 acres. The board had no concerns regarding the subdivision of the property. A motion for approval was made by Mr. Garrow and seconded by Ms. Klyczek. Unanimous. Carried.

**No. 6625 – City of Lockport – Area Variance**

Request by Kevin Jordan for the Planning Board to review an area variance request for the conversion of the existing funeral home at 263 East Avenue into 3 rental apartments. One of the apartments will be 555 sq.ft. whereas the zoning code requires the minimum apartment size to be 600 sq.ft. The property is 0.524 acres and is zoned B-4, Office Business District. Kevin Jordan was present to discuss the project. Mr. Jordan stated he currently resides on the property in a renovated apartment above the existing garage. The owner made every effort to meet the 600 sq.ft. requirement by moving the laundry facilities to another location but due to the layout of the existing building, the 600' requirement could not be met thus a variance is being requested. The board discussed that the change in square footage was minimal. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Agronin. Unanimous. Carried.

**No. 6626 – Town of Hartland – Comprehensive Plan**

Request by the Town of Hartland for the Planning Board to review a comprehensive plan amendment stating parks and recreational opportunities are essential and should be expanded. The board had no concerns regarding the plan updates. A motion for approval was made by Mr. Muscatello and seconded by Mr. Garrow. Unanimous. Carried.

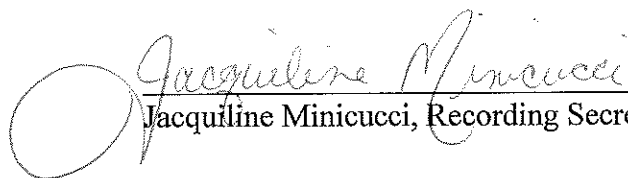
5. *New Business* –

a.) Informal review of the Summit Outlet, L.P. project proposal – Town of Wheatfield: Jonathan Bennet presented preliminary plans for the former Summit Mall site. The project will be completed in phases. Phase I will include the renovation of the former Sears store into sports fields for soccer, baseball, etc. The former Save-A-Lot store will be converted into a brewery and volleyball courts will be built in the front part of the complex. Phase II construction will include a 600-seat indoor Broadway style theatre and a 10,000 seat hockey arena/stadium. Phase III is still in the development stages. There will be 196,000 sq.ft. of open floor space.

b.) New York State Department of State Training – Date set for October 22, 2019. The board discussed possible topics to include floodplain issues, telecommunications/micro cell, comprehensive plan updates, and SEQR. Ms. Fisk will contact DOS to finalize the training agenda.

6. *Adjournment* – A motion was made by Mr. Ohol and seconded by Mr. Muscatello to adjourn the meeting at 3:36 p.m. Unanimous. Carried.

Respectfully submitted,

  
Jacqueline Minicucci, Recording Secretary