



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

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Chairman

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MEETING MINUTES

Niagara County Planning Board
6311 Inducon Corporate Drive – Suite 100
Sanborn, New York 14132
Monday, June 21, 2021 – 2:00 p.m.

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Normal Machelor, Garret Meal (ex-officio), Thomas Ohol, James Sobczyk, Mary Jo Tamburlin,

Members Absent: Jonathan Welka

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. Garrow and seconded by Mr. Agronin to approve the May 17, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6731 – Town of Niagara – Lot Combination

Request by Adam Pike for the Planning Board to review a request for the combination of two parcels, 7701 Recovery Road and SBL #145.16-2-13, to continue use as legal non-conforming single-family residence. The combined property acreage is 2.33 acres and is zoned B-1, General Business. There was no representative present for the project. Ms. Fisk informed the board that Mr. Pike owns both parcels and would like the lot combination so a swimming pool can be installed. The board had no concerns. A motion for approval was made by Ms. Tamburlin and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6732 – Town of Niagara – Special Use Permit

Request by Cheryl Bellreng for the Planning Board to review a special use permit to allow for the use of her home at 3509 Crestview Drive to perform the administrative duties associated with her new company, After Work – Restoration and Cleanup Services. The property is 1.15 acres and is zoned R-1, Single-Family Residential. Cheryl Bellreng was present to discuss the project. Ms. Bellreng stated that the premises would be used as a home occupation for administrative purposes only. The restoration and cleanup company is family owned and operated. There would be no large equipment stored on the premises and no signage. Mr. Machelor stated that granting the special use permit would create a precedent for other business uses in residential zones. Ms. Klyczek noted that the proposed use has no impact on the county. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow. 8 Yes, 1 No (Machelor). Motion Carried.

No. 6734 – Town of Porter – Zoning Text Amendment

Request by the Town of Porter for the Planning Board to review an amendment to Chapter 200, Section 200-122 of the town code to revise the definitions of farm markets and roadside farm stands and add a definition for farmers markets and to amend Chapter 200, Section 200-7 to update the permitted use table to reflect the updated mentioned definitions. Peter Jeffrey, Code Enforcement Officer for the Town of Porter was present to discuss the project. Mr. Jeffrey informed the board that the town worked in coordination with residents and local farmers to create zoning regulations providing protection for farmers. Mr. Jeffrey noted that farmers markets and roadside stands must be located in agricultural districts and that 50% of the products sold must come from farms and not wholesale products. The zoning amendment further defines farmers markets and roadside stands. There were no concerns noted at the Town's public hearing. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow. 8 Yes, 1 Abstention (Collard). Motion Carried.

No. 6735 – Town of Porter – Zoning Text Amendment

Request by the Town of Porter for the Planning Board to review an amendment to Chapter 200, Article IV of the town zoning code to add a new Section 200-61, Rural Residential Business, to allow for commercial, professional, or not-for-profit activity wholly within a dwelling unit. The permitted use table is updated to allow rural residential businesses in the RA, LDR, and MDR zoning districts. Peter Jeffrey, Code Enforcement Officer for the Town of Porter was present to discuss the project. Mr. Jeffrey stated the proposed law defines home occupation requirements for small businesses within the low to medium density residential zones. Ms. Fisk expressed concern over some of the potential uses including automotive garages and questioned how this law is different than the allowed home occupations. The Town of Porter defined requirements for automotive repair garage size and requires the premises to be owner-occupied to conduct business at the site. Signage is limited to non-illuminated 2' x 2' signs. Businesses must be screened and buffered to reduce visual and noise impact to adjacent residents. The maximum number of employees allowed is seven which is higher than allowed by a home occupation. Allowance was made for larger accessory buildings and a maximum delivery vehicle size was added. Each business must apply for a special use permit which will require a public hearing prior to issuance. A motion for approval was made by Mr. Agronin and seconded by Ms. Tamburlin with the recommendation that the town further define requirements for signage regarding building attachment or post mounted. Board members recommended building mounted signs for better aesthetics. 8 Yes, 1 Abstention (Collard). Motion Carried.

No. 6736 – Town of Lockport – New Zoning Ordinance

Request by the Town of Lockport for the Planning Board to review a request to impose a six month moratorium on the processing, permitting, and/or construction of utility scale solar energy systems and utility scale electrical energy storage devices systems. Thomas Seaman, Attorney for the Town of Lockport was present to discuss the referral. Mr. Seaman informed the board that the requested 6 month moratorium will allow the town time to review their current solar energy systems law and make revisions. Mr. Seaman stated that if submitted applications have not been issued a building permit as of the effective date of the moratorium, the referrals will be delayed and required to meet all guidelines of the revised law. Barbara Outten, resident, requested the board approve the moratorium because of the community impact associated with the current proposed project on Slayton Settlement Road. Bob Thanera, resident, requested the board approve the moratorium to allow the town time to do their due diligence and enact a law that is in the best interests of the taxpayers of Niagara County. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor with the recommendation that the Town of Lockport incorporate language from Niagara County Resolution #IL-023-21, a local law establishing solar panel recycling regulations. 7 Yes, 1 No (Ohol), 1 Abstention (Agronin). Motion Carried.

No. 6737 – Town of Wheatfield – Zoning Text Amendment

Request by the Town of Wheatfield for the Planning Board to review a zoning text amendment request to repeal and replace the existing Article XIX, Solar Energy Systems law. Mr. Garrow recused himself from voting and provided the board with an overview of the revised law. Mr. Garrow noted the town engineers worked to provide controls, measures, and develop appropriate setbacks and zoning. There are three current applications that under review that were not subject to the moratorium. Ms. Klyczek asked if the town is required to adopt the new county solar panel recycling law. The board discussed that each municipality can take the law under advisement but it is not mandated to adopt it. Mr. Garrow noted that Niagara County's solar panel recycling law will be reviewed and considered and incorporated into the law where appropriate. A motion for approval was made by Mr. Machelor and seconded by Mr. Agronin with the recommendation that the Town of Wheatfield incorporate language from Niagara County Resolution #IL-023-21, a local law establishing solar panel recycling regulations. 8 Yes, 1 Abstention (Garrow). Carried.

No. 6738 – City of Lockport – Site Plan Review and Use Variance

Request by Duane Snyder for the Planning Board to review a site plan for the construction of a 260 sq. ft. addition and installation of a new parking lot to an existing business located at 500 Davison Road. The business is currently operating with a commercial use variance. The property is 0.83 acres and is zoned R-1, Single-Family Residential. Duane Snyder was present to discuss the project. Mr. Snyder informed the board that his optical business is expanding its workforce and additional space is needed. There will be a 260 sq. ft. employee entrance addition to the existing building and 6 additional parking spaces. The building is properly zoned and all setback requirements have been met. The existing use variance will be modified to accommodate the additional parking. A motion for approval was made by Ms. Klyczek and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6739 – Town of Wheatfield – Site Plan Review and Special Use Permit

Request by the CVE North America for the Planning Board to review a site plan to allow for the construction and operation of a 4MW ground mounted community solar energy system located on Lockport Road SBL #134.00-3-12. The property is 54.12 acres and is zoned M-1, Light Industrial. Jared Lusk of Nixon Peabody was present to discuss the project. Mr. Lusk noted that this project is one of the three solar projects that was not subject to the town's moratorium. Mr. Lusk informed the board that the project area will be 22.5 acres and all setback requirements have been met since the previously requested variances were approved by the Town zoning board. The project will include 13,152 panels and a donation of \$1 per panel will be donated to a local charity and residents can sign up to receive a 10% reduction on their utility bills. A landscaping plan has been submitted and is under review. There will be no battery storage on site. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard with the recommendation that the Town of Wheatfield incorporate language from Niagara County Resolution #IL-023-21, a local law establishing solar panel recycling regulations. 8 Yes, 1 Abstention (Garrow). Carried.

No. 6740 – Town of Newfane – Use Variance

Request by Christine Lovewell for the Planning Board to review a use variance request to allow for the conversion of an existing flower shop into a photography studio located at 2350 Lockport-Olcott Road. The property is 2.0 acres and is zoned R-1, Single Family Residential. There was no representative present to discuss the project. Ms. Fisk informed the board that there will be no changes to the existing building. The municipality is modifying the existing variance due to the change of use. The board had no concerns. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6741 – Town of Newfane – Area Variance

Request by Robert J. Smith, III for the Planning Board to review an area variance request to allow for the construction of 24' x 32' detached garage in the front yard of the premises located at 6038 East Avenue which is not allowed per town zoning code. The property is 0.48 acres and is zoned VB, Village Business.

There was no representative present to discuss the project. Ms. Fisk informed the board that the lot dimensions will not allow for the proposed garage to be located at the rear of the property so the owner is requesting to build the 2-car garage at the front of the parcel. There are currently multi-family apartment buildings on the property with existing curb cuts. A motion for approval was made by Mr. Agronin and seconded by Mr. Sobczyk. Unanimous. Carried.

No. 6742 – City of North Tonawanda – Site Plan Review

Request by DLV Properties, LLC for the Planning Board to review a site plan for the construction of a 13,714 sq. ft. mixed-use residential apartments and commercial space in a 2-story building at 624 River Road. The property is 4.88 acres and is zoned WD, Waterfront District. Jacob Metzger, Engineer was present to discuss the project. Mr. Metzger informed the board that the proposed mixed use building is located on a former brownfield site which is being remediated under NYS supervision. The 2-story building will have nine river view apartment units with two retail spaces on the ground floor. The building height is 35' tall and there will not be a basement. Connections will be made to the adjacent apartment complex as well as the City park. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Collard. Unanimous. Carried.

No. 6743 – Town of Lockport – Area Variance, Site Plan Review

Request by Catholic Health Systems for the Planning Board to review an area variance and site plan for the construction and operation of a medical facility with a helipad at 6001 Shimer Drive. The Town of Lockport requires the front setback to be between 75' and 100'. The proposed front setback is 1,094' to allow greater buffering between the project and adjacent properties. The property is 97 acres and is zoned B-2, General Business Use. Lindsey Haubenreich and Adam Walters representing Catholic Health were present to discuss the project. Ms. Haubenreich informed the board that the project will occupy 15 acres of a 97 acre parcel. There will be a 60,000 sq. ft. medical office building constructed consisting of an emergency room, radiology department, clinic and 10 inpatient beds. 260 parking spaces will be installed which meets all town requirements. A setback variance is being requested for the helipad to reduce disturbance to local residents. The flight path plan has been submitted and approved. The property can be accessed from Shimer and Ruhlman Roads. There will be no wetland disturbance. A motion for approval was made by Mr. Garrow and seconded by Mr. Ohol. Unanimous. Carried.

No. 6744 – Town of Cambria – Comprehensive Plan

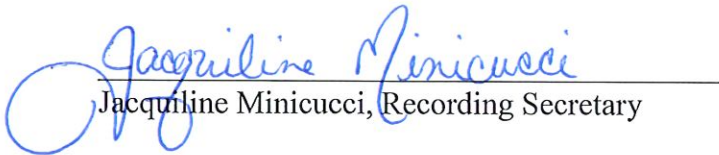
Request by the Town of Cambria for the Planning Board to review a comprehensive plan update for the Town. There was no representative present to discuss the project. A copy of the draft plan was distributed to the board members for review in advance of the meeting. Ms. Fisk stated the current comprehensive plan was updated to provide consistency with the Town's new solar law. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Collard. Unanimous. Carried.

No. 6733 – Town of Niagara – Site Plan Review

Request by Sandro Viola for the Planning Board to review a site plan to expand the existing self-storage facility with the construction of an additional 4,000 sq.ft. of self-storage at 8605 Porter Road. The property is 2.42 acres and is zoned B-1, General Business. Andrew Marino of Tredo Engineers was present to discuss the project. Mr. Marino stated the project is an extension to an existing facility. The proposal includes the construction of a building that will contain 28 storage units. There will be 25' of pavement installed but no outdoor storage on the new site. There are no wetlands on the parcel. A motion for approval was made by Ms. Klyczek and seconded by Mr. Machelor. Unanimous. Carried.

4. *Old Business* – None
5. *New Business* –
 - 1.) The board requested that Ms. Fisk facilitate forwarding Niagara County Resolution #IL-023-21, a local law to address solar panel recycling to all town clerks in Niagara County.
 - 2.) Mr. Garrow requested that County referrals and comprehensive planning be considered as a topics for future training seminars.
 - 3.) Ms. Fisk informed the board that NYS is considering offering in-person training in the fall of 2021. More information to follow.
6. *Adjournment* – A motion was made by Ms. Klyczek and seconded by Ms. Tamburlin to adjourn the meeting at 3:37 p.m. Unanimous. Carried.

Respectfully submitted,


Jacqueline Minicucci, Recording Secretary

