



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
6311 Inducon Corporate Drive – Suite 100
Sanborn, New York 14132
Monday, October 18, 2021 – 2:00 p.m.

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

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. Collard to approve the August 16, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6765 – Town of Porter – Zoning Map Amendment

Request by Larry Weibert for the Planning Board to review a zoning map amendment request to rezone three parcels, 720 Creek Lane and SBL #s 45.00-1-22.111 and 45.00-1-23.2 from RA, Rural Agricultural to RC, Rural Commercial to allow for the continued use of the property as Weibert's Auto Place automotive repair. The parcels total 64 acres. There was no representative present to discuss the project. Mr. Collard informed the board that Peter Jeffery and Larry Weibert were unable to attend the meeting. Mr. Collard stated that Mr. Weibert has a special use permit to operate the automotive repair business at the site and it has been in operation for 23 years. He would like to consolidate the parcels and continue operating the business. The properties are close to the Robert Moses Parkway but an existing landscaping buffer provides visual screening. Mr. Sobczyk noted concerns regarding spot zoning because there are no other commercial businesses in the area. Mr. Machelor stated he had concerns regarding creating such a large commercial parcel in a non-commercial area. Mr. Collard stated he was unable to answer all of the board's questions and that Mr. Weibert or Mr. Jeffery would be better suited to address the board's concerns. Mr. Sobczyk made a motion for denial because the business can still operate as currently zoned with the special use permit, the zoning change will create spot zoning, and rezoning is not consistent with the town's comprehensive plan. Yes-3 (Sobczyk, Machelor, Garrow), No-5 (Agronin, Kibler, Klyczek, Ohol, Tamburlin), Collard (Abstained). Motion Failed. A motion was made by Ms. Klyczek for the board to table the project referral and request a representative be present at the next meeting to discuss the board's concerns. Yes-7, No-1(Machelor), Collard (Abstained). Motion Passed.

No. 6766 – City of North Tonawanda – Area Variance

Request by Vitaliy Aponchuck for the Planning Board to review an area variance request to allow for the installation of a new 6' x 8' LED pole sign to replace the existing sign located at 672 Niagara Falls Blvd. The Zoning Code allows for 26 sq.ft of signage whereas 84 sq.ft is proposed. Sign advertising is limited to only permitted uses on the premises whereas offsite business advertising is proposed. The property is 0.33 acres and is zoned R-C, Residence-Restricted Business. There was no representative present to discuss the project. Ms. Fisk informed the board that the applicant wants to replace the existing sign with a larger LED two-sided lighted sign. The sign dimensions on the referral were conflicting and there was no height provided for the sign pole. Ms. Fisk noted that the sign would not be specific to the existing business but the applicant would sell ad space for display. Mr. Machelor made a motion for denial because the off-site advertising will negatively impact the area and conflicting information was provided for the proposed dimensions. Unanimous. Carried.

No. 6767 – Town of Niagara – Special Permit, Site Plan Review

Request by Brenda Blask-Lewis, agent for AT&T for the Planning Board to review a special permit request and site plan for a 132' wireless telecommunications tower with supporting equipment located at 3400 Tuscarora Road. The property is 14.7 acres and is zoned B-1, General Business. Sara Stevens, representative for AT&T was present via phone conference to discuss the project. Ms. Stevens stated that the project was approved by the Niagara Town Board in 2020 but after review by the State Historic Preservation Office (SHPO), concerns were noted regarding the close proximity of the tower to a historic schoolhouse on a neighboring property. In consultation with SHPO, AT&T relocated the tower to the northwestern corner of the property which required a new approval process. Access to the site will be from Lockport Road. Landscaping will be installed on the south and west sides of the tower. The fall zone requirements have been met and no variances are required. Mr. Garrow noted that the Niagara Falls Air Reserve Station should review the project due to encroachment concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol with the recommendation that the developer provide the project proposal to the Niagara Falls Air Reserve Station due to the close proximity to the airbase. Yes-8, No-1 (Machelor). Motion Passed.

No. 6768 – Town of Niagara – Area Variance

Request by Frank Falzone for the Planning Board to review an area variance request for 4408 Hurontario Trail to allow for construction of a 4' fence which is 1' higher than the 3' maximum height allowed in mobile home parks. The property is 0.06 acres and is zoned R-4, Multiple-Family Residential. There was no representative present to discuss the project. Ms. Fisk informed the board that the property owner would like to install the higher fence due to owning a large dog. The mobile home park homeowners association approved the request with the stipulation Town approval is received. A motion for approval was made by Ms. Klyczek and seconded by Mr. Garrow. Unanimous. Carried.

No. 6769 – Town of Niagara – Subdivision of Land

Request by Brent Haseley for the Planning Board to review a request to subdivide 8900 Lockport Road and create three lots. The property is 10.1 acres and is zoned B-1, General Business. There was no representative present to discuss the referral. Ms. Fisk informed the board that the property would be divided into three individual parcels. The owner will maintain ownership of the center parcel and sell the remaining two parcels to the neighboring landowners. The board had no concerns. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Collard. Unanimous. Carried.

No. 6770 – City of North Tonawanda – Subdivision of Land

Request by Peter Stefanski for the Planning Board to review a request to subdivide 896 Walck Road into two individual lots to allow for the construction of a new home on the second lot. The property is 0.68 acre and is zoned R1-2, Single-Family Residence. There was no representative present to discuss the project.

Ms. Fisk informed the board that the property owner would like to subdivide the parcel into two lots with 60' frontage each to be used for residential purposes. The board had no concerns. A motion for approval was made by Mr. Machelor and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6771 – City of North Tonawanda – Use Variance, Special Permit, Site Plan Review

Request by Wheatfield Niagara Hold, LLC for the Planning Board to review a use variance, special permit request and site plan review for 866 Niagara Falls Boulevard to allow for the construction of two 2,200 sq. ft. restaurants with drive thrus. The property is 1.5 acres and is zoned M-1, Manufacturing. Adam Fishel of Marathon Engineering was present to discuss the project. Mr. Fishel informed the board that there will be two restaurant businesses, KFC and Taco Bell each with their own building and associated drive thrus. A traffic study has been completed. The existing access road and curb cut on Melody Fair will be used for ingress and egress. There will be 53 parking spaces which exceeds code requirements. The developer requested use of the existing Walmart sign for restaurant signage but Walmart denied the request. The developer is working with the city to develop a signage plan. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6772 – City of Niagara Falls – Zoning Text Amendment

Request by The City of Niagara Falls for the Planning Board to review an amendment of zoning ordinance Chapter 1328.13 – Short Term Rental (STR) Units. Christopher Mazur, Corporation Counsel for the City of Niagara Falls was present to discuss the referral. Mr. Mazur informed the board that the request is a revision to the existing ordinance and will be reviewed on a yearly basis for needed adjustments. Mr. Mazur provided an overview of the law. The boundary map has been amended to include a larger area which is commensurate with the city's comprehensive plan core area. Existing STR operators outside the boundary area can continue to operate as long as the property stays with the current owner. Operation requires a one-time special use permit, yearly licensing, and liability insurance. Payment of bed tax will be required. Operators must maintain a valid sales tax certificate and will be responsible for collecting and submitting all tax payments. Owners will be responsible for all trash pick-up. The local noise ordinance will be enforced from 10 pm-7 am. Owners must maintain a 24-hr local contact to address any concerns. Notification to adjacent neighbors will be made when new applications for special use permits are submitted. Mr. Mazur informed the board that the licensing fees will be utilized to increase enforcement efforts. Ms. Fisk reviewed the differences between this version of the STR law and the 2020 version reviewed by this board. A motion for approval was made by Ms. Tamburlin and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6773 – Town of Cambria – Use Variance

Request by Herb Stephenson for the Planning Board to review a use variance request to allow for the construction of a 46' x 96' accessory structure to be used for storage without a principal building on the premises located at 5311 Townline Road. The property is 72.18 acres and is zoned AR, Agricultural and Residence. Herb Stephenson was present to discuss the project. Mr. Stephenson informed the board that he would like to construct a wood and metal structure for personal storage purposes. He has a special use permit to operate a business selling heating elements which are stored on the property. Other structures on the property include a barn and chicken coop. Mr. Stephenson noted that he is unable to construct a residence on the property because of shallow bedrock. The building will be screened with existing trees. A motion stating that there is no inter-municipal or county-wide impact was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

No. 6774 – Town of Cambria – Site Plan Review

Request by JP2 Propane for the Planning Board to review a site plan for 5274 Junction Road to construct a 2,400 sq. ft. building for a new propane sales and service business and to develop a propane farm. The property is 7 acres and is zoned I-1, Industrial. Tim Arlington of APEX Engineering was present to discuss

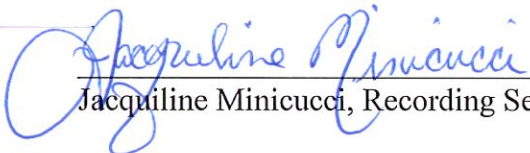
the project. Mr. Arlington stated that a 2,400 sq. ft. wood and steel building will be constructed and used for general maintenance and storage of the propane trucks. Empty propane tanks available for installation will be stored in area labeled propane farm. There is an existing entrance on Lockport Junction Road and the owner has requested permission from the NYS Department of Transportation for two new curb cuts to help with ingress and egress. Stormwater management will be done through the use of catch basins and a retention pond. A 6ft. high fence with lighting will be installed for security purposes. A motion for approval was made by Mr. Agronin and seconded by Ms. Klyczek. Mr. Ohol (Abstained). Unanimous. Carried.

4. *Old Business* – None
5. *New Business* – Ms. Fisk informed the board that the Village of Barker is submitting a grant application to USDA for constructing a new town hall. As part of the grant application, the board reviewed the required intergovernmental checklist and answered the yes/no questions. Ms. Fisk will send the completed checklist back to the Village of Barker.

Board members requested Ms. Minicucci provide each board member with the number of training hours on file.

6. *Adjournment* – A motion was made by Mr. Collard and seconded by Mr. Machelor to adjourn the meeting at 4:00 p.m. Unanimous. Carried.

Respectfully submitted,



Jacquiline Minicucci, Recording Secretary