



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, July 19, 2021 – 2:00 p.m.

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

Members Absent: Joseph Kibler (EX), Andrea Klyczek (EX), Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Vice Chairman Garrow at 2:10 p.m.
2. A motion was made by Mr. Agronin and seconded by Mr. Machelor to approve the June 21, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6745 – 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. The proposed moratorium would not apply to pending projects for which a public hearing has been opened. There was no representative present to discuss the referral. Ms. Fisk stated that the moratorium previously recommended for approval by this board was not approved by the Town of Lockport. The new referral includes a change in language which will exclude any current pending projects that have already started the approval process. Barbara Outten and Joseph Hahn, residents, stated they are in favor of the moratorium but are against the change in language because of the community impact of the pending projects. A motion for approval was made by Mr. Agronin, seconded by Mr. Machelor. Unanimous. Carried.

No. 6746 – Town of Niagara – Site Plan Review, Minor Subdivision

Request by Packard Road, LLC for the Planning Board to review a minor subdivision request and site plan for 8401 Packard Road to create a new 2.12 acres lot from the existing 7.22 acres parcel. A new 10,129 sq.ft. building is under construction on the proposed new lot. The property is B-1, General Business. Thomas Shelberg, architect, was present to discuss the project. Mr. Shelberg informed the board that the developer was advised by their lender to subdivide the lot for financing purposes. The 27' building under construction will have 2,500 sq. ft. of office space with the remainder being utilized for storage. All setbacks have been met and the site is properly zoned for the landscaping business. Mr. Garrow asked if

the Niagara Falls Air Reserve Station was consulted due to its proximity to the airbase and Mr. Shelberg stated there has been no communication in this regard. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Ohol. Unanimous. Carried.

No. 6747 – Town of Niagara – Special Permit, Site Plan Review

Request by Daniele Family Companies for the Planning Board to review a special permit request and site plan for the construction and operation of a 4,096 sq.ft. Royal Car wash facility at 2590 Military Road. The property is 1.81 acres and is zoned B-1, General Business. Ari Goldberg of Barclay Damon & Austin Goodwin of Passero Associates were present to discuss the project. Mr. Goldberg stated the property is being subdivided and the applicant is under contract to purchase the new parcel. The carwash will be fully automated with no employees required. Existing curb cuts will be utilized with a one way entrance from Packard Road and exits onto both Packard and Military Roads. Vacuum stations will be available near the exit with “Do Not Enter” signage to control traffic flow. A storm-water pollution prevention plan will be developed and sent to DEC for approval. Some of the existing storm water will be treated and newly installed grass landscaping will reduce the amount of water entering into the storm system. High pressure washers will be utilized which require less water consumption and a filtration system will be installed to separate any oils. A motion for approval was made by Mr. Machelor and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6750 – City of North Tonawanda - Site Plan Review and Area Variance

Request by Penrose, LLC for the Planning Board to review a site plan for 78 Bridge Street for the construction of a multifamily mixed use building with 70 residences and retail space that is 1’ higher than the 45’ code height limit. The property is 3.41 acres and is zoned WD, Waterfront District. Shirah Cahill of SWBR Architecture, Dylan Samons of Penrose Architecture and Victor O’Brien of C&S Engineers were present to discuss the project. Mr. Samons informed the board that the proposed project is located at the site of a former fire training facility on Tonawanda Island. Mr. Samons stated the proposed 4-story building will have 70 apartment units varying in size with a fitness room and retail on the ground floor. A 24’ entrance will be utilized from Bridge Street. Ms. Cahill explained site traffic flow and noted there will be 73 parking spaces for residents, 5 spaces for retail customers and a service entrance for deliveries. There will be a playground at the site for use by residents. Existing utilities will be utilized. Mr. O’Brien stated drainage will consist of a bio-retention swale system which will flow into the Niagara River. The US Army Corp of Engineers is being consulted on outfall construction. Board members expressed concern regarding fire truck access to the waterfront side of the apartment building in the event of an emergency. Mr. O’Brien stated a new fire hydrant will be installed. Ms. Fisk stated the County conducted a Phase I Environmental Site Assessment (ESA) at the property and there is a concern about possible site contamination. If contamination is found during the Phase II ESA, she recommends contacting DEC about applying for the NYS Brownfield Cleanup Program. Ms. Fisk stated the site meets the vision of the North Tonawanda Brownfield Opportunity Area plan and the City selected Penrose as the preferred developer as a result of a Request for Proposals. A motion for approval with the recommendation the City fire department review fire access and safety issues for the east side apartments along the Niagara River was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6748 – Town of Lockport – Site Plan Review

Request by Delta Sonic Car Wash for the Planning Board to review a site plan for the construction and operation of a gas station and car wash facility at 6009 South Transit Road. The property is 3.23 acres and is zoned B-2, General Business with Commercial Corridor Overlay. Matt Oates with Benderson was present via phone to discuss the project. Mr. Oates informed the board that the property was a former car dealership on the Southeast corner of Transit and Robinson Roads. The project includes constructing a carwash, dedicated drying area, small convenience store, gas pumps, and a vacuum station. There will not be a detail shop or oil change facility at this location. There will be 4 staging lanes with an 80 car capacity.

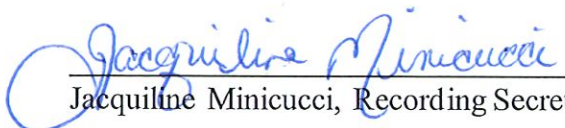
The facility may be accessed from both Transit and Robinson Roads utilizing existing curb cuts. A traffic study was recently completed and minor impacts are expected at the intersection of Transit and Robinson Roads. A motion for approval was made by Mr. Machelor and seconded by Mr. Collard. Unanimous. Carried.

No. 6749 – City of North Tonawanda - Site Plan Review

Request by Fortistar North Tonawanda LLC for the Planning Board to review a site plan for 1070 Erie Avenue for the construction of a containerized data center on concrete pads at the existing power plant. The property is 13.78 acres and is zoned M-1, Light Industrial. David Giusiana, architect was present via phone to discuss the project. Mr. Giusiana informed the board the project will be a data center for data/bit coin mining utilizing shipping containers to house the components. There will be (6) 40' shipping containers utilized for switch gears and (6) sets of 40' containers for computer equipment. The container units will be stacked three units and placed in sets of two with a connecting staircase system. Each shipping container would house a few hundred computers that will be fully self-contained and ventilated for cooling. The existing Fortistar energy plant on the property will be utilized for power and a battery backup system will be installed. Mr. Garrow asked about the type of battery backup planned. Mr. Giusiana wasn't sure if the batteries will be lithium. There is no fire plan and no conversations have been had with the City Fire Department. There is an existing row of trees on the east side of the property and a berm that will provide screening for the shipping containers. A 10' chain link fence already surrounds the power plant and access is gated. The computers will run 24-hr/day and there will be security cameras and security guards. Ms. Fisk stated she is concerned because she reviewed the City's zoning code and couldn't find anything where this type of use is allowable. Mr. Giusiana stated the City Attorney and Building Inspector are investigating as to whether this is an allowable use. A motion for approval with the recommendation the municipality confirm that the project is an allowed use in the M1 zoning district and the City Fire Department conduct a full fire safety review was made by Ms. Tamburlin and seconded by Mr. Machelor. Unanimous. Carried

4. *Old Business* – None
5. *New Business* – Ms. Fisk informed the board she is working with the Department of State and NCCC regarding a date for a possible in-person training. Topics to be determined.
6. *Adjournment* – A motion was made by Mr. Sobczyk and seconded by Mr. Collard to adjourn the meeting at 3:33 p.m. Unanimous. Carried.

Respectfully submitted,


Jacquiline Minicucci, Recording Secretary