



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, June 20, 2022 – 2:00 p.m.

Webex Option:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=m9f3f29152df73a590e2aeacf614d01a9>

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

Members Absent: Michael Carney, Thomas Ohol, Jonathan Welka (Alt),

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 Ms. Tamburlin to approve the May 16, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6819 – Town of Somerset – Site Plan Review

Request by Joseph Schuster and Go Solar, LLC for the Planning Board to review a site plan for the construction and operation of a 12.16kW ground mounted, 32 panel solar energy system for personal consumption located at 1603 Carmen Road. The property is 5.16 acres and is zoned A, Agricultural. Bob Timkey of Go Solar and David Haylett, Town of Somerset Attorney were present to discuss the project. The solar array will consist of 32 ground-mounted panels which will be for the resident's consumption only. All setback requirements have been met and no battery storage is proposed. David Haylett (via Webex) stated that the type of solar project typically only requires town Planning Board approval but due to the location, it triggered referral to this board. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6820 – Town of Somerset – Special Permit

Request by Nova & Angela Popovich for the Planning Board to review a special permit request to allow for the operation of a Bed and Breakfast located at 9848 Lower Lake Road. The property is 2.6 acres and is zoned A, Agricultural. David Haylett, Town of Somerset Attorney (via Webex) was present to discuss the project. Mr. Haylett stated that Bed and Breakfast operations are allowed in all districts of the town with the issuance of a special use permit. The property is located across from Golden Hill State Park which triggered referral to this board. The operation will be located in the rear of an existing building. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6829 – City of North Tonawanda – Site Plan Review

Request by Bogart-Sinatra Development for the Planning Board to review a site plan for the construction of a 9,450 sq.ft. and 5,500 sq.ft. self-storage buildings located at 1212 Erie Avenue. The property is 6.9 acres and is zoned M-1, Light Manufacturing. Kristen Savard of Advanced Design was present via Webex to discuss the project. Ms. Savard informed the board that the proposed construction is an expansion of an existing operation. The two existing buildings will continue to be utilized and the two new units will be rented out for general storage and as a multi-use facility for contractors. The overhead doors will be 8'-10' in height. There will be no outdoor storage. No water or sewer utilities are needed. The surface is currently paved and some regrading is required. There will be less than 1 acre of disturbance, therefore, no SPDES permit is required. An 8' security fence is in place with a keypad allowing access to the fire department in the event of an emergency. There are no variances needed. A motion for approval was made by Mr. Collard and seconded by Mr. Machelor. Unanimous. Carried.

No. 6821 – Town of Niagara – Site Plan Review

Request by David Giusiana on behalf of Niagara Industrial Mechanical Services for the Planning Board to review a site plan for the construction of a 50' x 90' single-story addition to an existing building for use as a production space and to house fabricating and finishing equipment located at 3507 Hyde Park Boulevard. The property is 1.02 acres and is zoned HI, Heavy Industrial. There was no representative present to discuss the project. Ms. Fisk stated that a property expansion was previously approved by this board. Due to an increase in business, they now require further expansion. The original expansion request was approved by the Town of Niagara. There is ample space and parking on the parcel, no variances are requested, and all setbacks requirements have been met. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Machelor. Unanimous. Carried.

No 6823 – Town of Lewiston – Site Plan Review, Special Permit

Request by James Coble on behalf of Wilco Auto Care for the Planning Board to review a site plan and special permit request for the operation of an automobile wheel alignment facility located at 2826 Niagara Street. The property is 0.3 acres and is zoned B, General Business. James Coble and Doug Galbano were present to discuss the project. Mr. Galbano stated that an existing building will be utilized for the purposes of performing wheel alignments on vehicles in conjunction with his adjacent auto repair business. A vehicle lift will be installed. There is no onsite customer parking needed. All setback requirements have been met. Ms. Fisk suggested making some landscaping improvements to increase the aesthetics of the site. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Agronin. (6 Yes, 0 Noes, 1 Abstain – Machelor). Carried.

No. 6824 – Town of Somerset – Site Plan Review

Request by the Niagara County Sheriff's Department for the Planning Board to review a site plan for the construction of a 180' self-supporting lattice public safety radio network tower located at 1658 Quaker Road. The property is 0.35 acres and is zoned R-1, Single-Family Residential. David Haylett, Alicia Trotman, and Brian Malinich were present via Webex to discuss the project. Mr. Garrow stated that this is one of three new towers being constructed in Niagara County. The construction of the radio tower is proposed to enhance radio communications for public safety. The project is located on property owned by the Barker Central School District. All setback requirements have been met and the tower will not be visible from the road. Mr. Haylett informed the board that town code only requires site plan review and there are no issues noted. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6825 – Town of Pendleton – Site Plan Review

Request by Graham Brothers Property Services for the Planning Board to review a site plan for the construction and operation of a landscaping services business consisting of a pole barn, retail building and 10-bay storage units located at 5500 Lockport Road. The property is 66.4 acres and is zoned SLI, Special Light Industrial. Ms. Fisk stated that the project is located in a rural area and they have requested a setback

reduction from the 100' required to 61.1'. Jacob Graham was present to discuss the project. The business will provide a location to dispose of organic waste which will be recycled for resale. An 8,000 sq.ft. pole barn will be constructed with additional retail and storage space for rent. There will be no wetland disturbance. Entrance will be from Lockport Road and all parking requirements have been met. The proposed project is consistent with the surrounding area. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6818 – Town of Wilson – Site Plan Review, Special Permit

Request by Cypress Creek Renewables for the Planning Board to review a site plan and special permit request for the construction and operation of a 4.25MW ground mounted utility scale solar energy system located at 2503 Wilson-Cambria Road. The property is 71.84 acres and is zoned LI360, Light Industrial 360. Bernardo Urdaneta of Cypress Creek was present via Webex to discuss the project. Mr. Urdaneta stated that the site is currently farmland and 32 acres of the parcel will continue to be used for agricultural purposes. There are prime soils on the property but no panels will be placed in those areas. Agrivoltaics is being considered with the planting of pollinator friendly species around the panels. All setbacks have been met and no battery storage is proposed. A motion for approval was made by Mr. Collard and seconded by Mr. Agronin. Unanimous. Carried.

No. 6826 – Town of Cambria – Site Plan Review

Request by Cody Development 2, LLC for the Planning Board to review a site plan for the construction of a 10,640 sq.ft. retail Dollar General Store located at 3911 Ridge Road. The property is 2.4 acres and is zoned B-2, General Business. Tara Bennett of the Broadway Group was present to discuss the project. Ms. Bennet informed the board that the project will have an enhanced façade which will be more appealing than other store locations. Ms. Bennett stated that a parking variance was previously approved by the Town of Cambria for 35 spaces. The parcel is a corner lot and access will be from Ridge Road. A septic system will be installed and a retention pond will be utilized for stormwater management. There are no wetlands on the site. Trucks will deliver to the rear of the building and there is ample access. A sign with landscaping will be installed at the entrance and grass planted onsite. A motion for approval with the recommendation that evergreens be incorporated into the landscaping was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6827 – Town of Wheatfield – Site Plan Review

Request by Captain Way Apartments for the Planning Board to review a site plan for the construction of a 5-unit multi-family apartment building located at 7386 Shawnee Road and a 6-unit multi-family apartment building located at 7398 Shawnee Road. The combined parcels are 2.57 acres and zoned R-C, Restricted Commercial. Anthony Pandolfe of Carmina Wood Design was present to discuss the project. Mr. Pandolfe stated that two buildings will be constructed on the site. A 5-unit single-story building will be constructed at 7386 Shawnee Road and a 6-unit single story building will be constructed at 7398 Shawnee Road. Each unit will have 2 bedrooms and a garage. Additional onsite parking will be available. Two bio retention ponds will be utilized for stormwater management. A new curb cut will create an entrance on Captains Way. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Agronin. (6 Yes, 0 Noes, 1 Abstain – Garrow). Carried.

No. 6828 – Town of Cambria – Area Variance, Site Plan Review

Request by Cody Development 2, LLC for the Planning Board to review an area variance request and amended site plan to allow for the reduction of parking spaces from the required 10 spaces to 8 for the proposed convenience store at 5218 Upper Mountain Road. The property is 1.74 acres and is zoned B-1, Light Retail Business. Timothy Arlington of Apex Consulting was present to discuss the project. Mr. Arlington informed the board that due to the reduction of parking spaces, the Town of Cambria Planning Board requested a new site plan review for variance approval. There have been no other changes made to the original site plan that was previously approved by this board. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6830 – Town of Cambria – Site Plan Review

Request by Dan McKie for the Planning Board to review a site plan for the construction of ten (10) new 4,800 sq. ft. self-storage buildings with an outdoor storage area located at 5147 Lockport Road. The property is 18.6 acres and is zoned B-2, General Business. Timothy Arlington of Apex Consulting was present to discuss the project. Mr. Arlington stated that the project will be completed in phases over a term of five years. There is currently an existing building on the property. The current entrance from Lockport Road will be utilized. A retention pond and perimeter swale will be utilized for stormwater management. Fencing will be constructed for security purposes. A fire hydrant will be installed. The project is commensurate with the surrounding area. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6831 – Town of Newfane – Area Variance

Request by Janice and Andrew Windham Sr. for the Planning Board to review an area variance request to allow for the construction of a 24' x 46' x 12' pole barn that will be utilized for personal storage located at 7101 Ridge Road. The barn will be built with a front 50' setback whereas a 60' setback is required. The property is 3.9 acres and is zoned RR, Rural Residential. Andrew Windham was present to discuss the project. Mr. Windham stated that he is asking for a 10' setback variance to allow for the construction of a 24' x 46' x 12' pole barn with 3 bay-doors. The existing building will be demolished and the brick will be recycled into the project. The building will be utilized for personal storage only. A motion for approval was made by Mr. Agronin and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6833 – City of North Tonawanda – New Zoning Ordinances

Request by the City of North Tonawanda for the Planning Board to review a new North Tonawanda Solar Energy Systems Law and City of North Tonawanda Solar Energy Systems PILOT Law. Maureen Harding, City of North Tonawanda Planning Board member, was present to discuss the ordinance. Ms. Harding stated that the new law will have a 3-Tier system. Tier 1 are roof mounted systems, Tier 2 are 2-5 acres projects that are only allowed in an industrial/commercial area, and Tier 3 are projects over 5 acres that are only allowed in industrial areas. Ms. Harding highlighted some of the regulations that will be required. Each referral must undergo a 2-step site plan review, landscape architect plans must be submitted that will be reviewed every 2 years, a maintenance and decommissioning plan must be in place, each project must include a panel recycling plan, and Tier 2 & 3 systems require a PILOT agreement. If regulations are not followed, the permit will be revoked and removal will be required. Ms. Fisk requested that the City of North Tonawanda review the reference tables included in the ordinance to possibly make them more straightforward for setbacks and allowable locations. Ms. Fisk also suggested the addition of NP (Not Permitted), A (Accessory Use), and P (Permitted) to the table key located on page 7 of the ordinance. Ms. Harding informed the board that a separate Battery Storage Law is currently being incorporated and will be presented for review. A motion for approval with the recommendation that reference tables be defined was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

No. 6832 – Town of Newfane – Area Variance

Request by Daniel Alberter for the Planning Board to review an area variance request to allow for the reconfiguration of two existing parcels. Reduce 7046 Ridge Road by 44 sq. ft. and add to 7052 Ridge Road to allow for the construction of an accessory structure. The width of 7046 Ridge Road will be reduced to 104.10' whereas the zoning code requires a minimum lot size of 150'. The combined properties are 0.85 acres and are zoned RR, Rural Residential. There was no representative present to discuss the project. Ms. Fisk informed the board that Mr. Alberter owns both parcels and is requesting the lot reconfiguration to allow for the construction of a garage. The board had no concerns. A motion for approval was made by Mr. Machelor and seconded by Mr. Agronin. Unanimous. Carried.

No. 6834 – Town of Newfane – Area Variance

Request by Daniel Boyer for the Planning Board to review an area variance request to allow for the construction of a 10' x 17.4' addition to an existing residential sunroom located at 2725 Tompkins Ct. The new rear setback will be 13' whereas code requires a 50' rear setback. The property is 0.33 acres and is

zoned R-1, Single Family Residential. There was no representative present to discuss the project. Ms. Fisk stated that the lot is currently non-conforming as a result of a town zoning code update. The yard is fully fenced and no visual impact is expected. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Collard. Unanimous. Carried.

No. 6835 – Town of Lockport – Zoning Text Amendment


Request by the Town of Lockport for the Planning Board to review a zoning text amendment to allow additional time to obtain a building permit following approval of a special use permit or site plan review. There was no representative present to discuss the project. Ms. Fisk informed the board that two sections of the code are being replaced. A new clause has been added to the special permit which allows for a 1-year extension if needed with proof of substantial progress, and the other is to change the 6-month extension to 1-year. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6822 – Town of Niagara – Site Plan Review, Lot Consolidation

Request by Mike Rotella of Wayside Nursery for the Planning Board to review a site plan and request to consolidate 3 parcels for use as a garden center and nursery sales at 7431 Porter Road. The combined parcels are 3.51 acres and are zoned B-1, General Business. There was no representative present to discuss the project. Ms. Fisk informed the board that the three properties have the same owner and will be combined to allow for the expansion of their existing landscaping business which is also located on Porter Road. There is currently a house on the property which will be used as an office and parking will be added in the rear. No additional buildings are proposed at this time. The parcel will be used as a materials and showcase area for plants, shrubs, mulch and gravel. Entrance will be from Porter Road. A motion stating that there is no significant inter-municipal or county-wide impact was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

4. *Old Business* – None
5. *New Business* – None
6. *Adjournment* – A motion was made by Mr. Collard and seconded by Ms. Tamburlin to adjourn the meeting at 3:51 p.m. Unanimous. Carried.

Respectfully submitted,


Jacquiline Minicucci, Recording Secretary