



**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 One**  
**Sanborn, New York 14132**  
**Monday, October 16, 2023 – 2:00 p.m.**

**Members Present:** William Agronin, J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, James Sobczyk, Mary Jo Tamburlin

**Members Absent:** Michael Carney (Ex), Garret Meal (Ex-Officio), Jonathan Welka (Alt)

**Staff Present:** Nathaniel Bonafede

1. The meeting was called to order by Chairman Kibler at 1:58 pm.
2. Approval of the August 21, 2023 Meeting Minutes – A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.
3. Niagara County Planning Board Referrals

**No. 6913 – Town of Wheatfield – New Local Law**

Request by the Town of Wheatfield for the Planning Board to review a new local law giving police officers authority to impound illegally operated off-road vehicles on public highways in the town. There was no representative present to discuss the project. Mr. Bonafede stated that the law is intended to discourage the use off-road vehicles on public highways. The law was modeled after the current Niagara County ordinance. The board had no concerns. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

**No. 6914 – Town of Niagara – Use Variance, Site Plan Review**

Request by Michael Rotella for the Planning Board to review a site plan and use variance request to allow for the construction of two 5,000 sq. ft. light industrial buildings containing 13 separate commercial units located at 7431 Porter Road. The property is 3.51 acres and is zoned B-1, General Business. Michael Rotella was present to discuss the project. Mr. Rotella stated that the three parcels have been combined to allow for the construction. The project scope of work has been changed since the previous submission to the board. The original plan was for a landscape nursery and the new project is rental space for commercial businesses. There will be 13 non-manufacturing 1,500 sq. ft. rental units. The building height is approximately 28' which is compliant with town code and local airport regulations. The board discussed the need for a use variance and felt that the operation of the facility would be commensurate with the current B-1, General Business zoning. Mr. Rotella stated that he is still corresponding with the Town of Niagara in that regard. Board members discussed the approval of the site plan with the use variance understanding that the local jurisdiction may change the need for that requirement. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6915 – Town of Niagara – Lot Combination, Site Plan Review**

Request by James Baptiste, RA on behalf of Norgen Biotek Corp. for the Planning Board to review a site plan and lot combination request to allow for the construction of a 2,780 sq. ft. addition to an existing structure for storage/warehousing of products located at 7311 Porter Road. The property is .71 acres and is zoned B-1, General Business. James Baptiste of Aanowara Architecture was present to discuss the project. Mr. Baptiste stated that the developer intends to renovate the existing building with a 2,780 sq. ft. addition and operate a medical testing facility. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. Unanimous. Carried.

**No. 6916 – Town of Cambria – Special Permit**

Request by Eric & Corrine Wisor for the Planning Board to review a special permit request to allow for the operation of a Short Term Rental located at 2958 Ridge Road. The property is 5.5 acres and is zoned AR, Agricultural and Residence. There was no representative present to discuss the project. Mr. Bonafede stated that the owners are requesting the special permit to change the operation from a long-term to short-term rental. Mr. Bonafede informed the board that the Town of Cambria stated that the operation is an allowable use in the current zoning with a special use permit. The owners reside in one unit of the duplex and the second unit would be utilized for short-term rentals. A motion for approval was made by Mr. Collard and seconded by Ms. Tamburlin. Unanimous. Carried.

**No. 6917 – Town of Lockport – Area Variance, Site Plan Review**

Request by Benderson Development Company for the Planning Board to review a site plan and area variance request to allow for the redevelopment of an existing building including a partial demolition and 12,326 sq. ft. addition to be used as a medical facility located at 6009 South Transit Road. The property is 3.23 acres and is zoned B-2, General Business & CCO Commercial Corridor Overlay. James Boglioli, Attorney from Benderson Development was present to discuss the project. Mr. Boglioli informed the board the project was a former car dealership located on the corner of Transit and Robinson Roads in the Town of Lockport. The proposal is to develop a mixed use medical facility operated by Kalieda Health to include an urgent care and orthopedics operation. The existing building will be renovated to include a 12,000 sq. ft. addition. The smaller building on the parcel will be demolished to allow for improved parking, utilities and landscaping. The existing entrances will be utilized from Transit and Robinson Roads and will meet the recommendations of the Department of Transportation and Town of Lockport. A parking variance is requested to allow for 190 parking spots where 220 is required. Hours of operation will be from 8 am to 4 pm Monday thru Friday with reduced hours of operation on Saturdays. The urgent care facility will have extended hours of operation. A front setback variance is being requested from 5.7' to 15', a variance on the South property line from 0' to 21' where 25' is required, a rear property line variance from 1.9' to 17', and a greenspace variance. Mr. Boglioli stated that the variance requests will enhance the project and allow for more greenspace which will also put some distance between the facility and the adjacent creek. A retention basin will be installed for site drainage. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6918 – Town of Newfane – Site Plan Review**


Request by Eric Percy of Wrights Country Cottages for the Planning Board to review a site plan to allow for the replacement of old mobile homes with new constructed units located at 6520 Ridge Road. The property is 1.54 acres and is zoned R-2, Multi-Family Residential. Eric Percy, Bart Adams, owners, and Mike Metzger, Engineer were present to discuss the project. Mr. Metzger stated that previous requests for rezoning to R-2, Multi-Family Residential and area variances were approved by the Town of Newfane. The site was an existing mobile home park that fell into disrepair with 19 trailer units and a rental home. The proposal is to eliminate the existing structures with the exception of the rental home and replace them with “stick-built” structures on concrete foundations. Two of the remaining residents will be relocating. The project site will have new electrical, sewer, and water infrastructure. The road will be repaved and include an emergency vehicle turn around. The developers will retain ownership and the units will be rentals. The 1-2 bedroom units will be approximately 750 sq.ft. The minimum distance between units is 20 ft. There is existing landscaping that will be improved. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. Unanimous. Carried.

**No. 6919 – City of Lockport – Zoning Text Amendment, Zoning Map Amendment, Comprehensive Plan**

Request by the City of Lockport for the Planning Board to review the Comprehensive Plan and the updated Zoning Code (Chapter 190). Molly Gaudioso of Colliers Engineering & Design was present to discuss the referral. Ms. Gaudioso stated that the last update to the comprehensive plan was in 1992 and the zoning code in 1998. The City of Lockport revised both the comprehensive plan and zoning code together with the benefit of comparing development to current zoning regulations. The municipality reviewed the city's current status and condition taking in consideration economic and demographic factors. Public surveys were utilized and community committees were formed to help develop the comprehensive plan. Three guiding principles were used to develop a framework to identify goals and actions: people, prosperity and places. A future land use map was developed to identify key character areas focused for improvement or development using a place making strategy to improve on current uses. Ms. Gaudioso presented the board with the current zoning map noting that improvements will be made to make it more organized and user-friendly. Neighborhoods were reviewed for non-conforming uses and changes were made to bring the plan up to date. The zoning code has been re-organized with categories that will make information easier to locate and procedures were updated. Definitions were also updated. A Historic Overlay District was created to help preserve community character if development occurs in those neighborhoods. Changes were made to regulations of the city's commercial districts to promote mixed use development. The city's new zoning map is consistent with goals and recommendations outlined in the comprehensive plan. Kathy O'Keefe, business owner, informed the board that small businesses have been struggling to succeed in the west end of the city and stated that there was no business owner representation on the planning committee to voice current concerns. Ms. O'Keefe felt that the Comprehensive Plan should not be considered complete until business owners have been consulted and opinions obtained. Some concerns that Ms. O'Keefe presented have been addressed by the municipality but feels that businesses should be consulted prior to the final product. Ms. Gaudioso stated that open houses and public hearings were held for public input. The board discussed approval of the referral noting that there are additional public sessions that may be utilized for input prior to the final draft being issued. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business - None
5. New Business
  - a.) The Land Use Training for Local Officials will be held on October 24, 2023 from 5-9:30 p.m. at the Center for Economic Development.
6. Adjournment – A motion was made by Ms. Tamburlin and seconded by Mr. Garrow to adjourn the meeting at 3:07 p.m. Unanimous. Carried.

Respectfully submitted,

  
Jacqueline Minicucci, Recording Secretary

