



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 One
Sanborn, New York 14132
Monday, November 20, 2023 – 2:00 p.m.

Members Present: William Agronin, J. Anthony Collard, Walter Garrow, Norman Machelor, Thomas Ohol, James Sobczyk, Mary Jo Tamburlin, Garret Meal (Ex-Officio)

Members Absent: Michael Carney (Ex), Joseph Kibler (Ex), Jonathan Welka (Alt)

Staff Present: Nathaniel Bonafede, Jacqueline Minicucci

1. The meeting was called to order by Vice Chairman Garrow at 2:00 pm.
2. Approval of the October 16, 2023 Meeting Minutes – A motion for approval was made by Mr. Collard and seconded by Ms. Tamburlin. Unanimous. Carried.
3. Niagara County Planning Board Referrals

No. 6920 – Town of Wheatfield – Site Plan Review

Request by the Town of Wheatfield for the Planning Board to review a site plan for the construction of a 2,400 sq.ft. warehouse building located at 3776 Commerce Court. The property is 5.13 acres and is zoned M-1, Light Industrial & NFBO, and Niagara Falls Boulevard Overlay District. Anthony Pandolfe from Carmina Wood Design was present to discuss the project. Mr. Pandolfe stated that the new warehouse building will not be connected to an existing building on the parcel but will share utility infrastructure. The building will be used for storage and will house a self-contained water evaporator for non-contaminated wastewater. DEC Air Registration approval is pending. The property is zoned correctly and does not require any setback variances. A motion for approval pending the DEC Air Registration approval was made by Mr. Machelor and seconded by Mr. Agronon. Unanimous. Carried.

No. 6921 – Town of Newfane – Zoning Text Amendment, Local Law Amendment

Request by the Town of Newfane for the Planning Board to review an amendment to Town Code section 255-18 redefining double check valve assembly, acceptable, and to require the installation of expansion tank onto the water service line of all customer's water lines. There was no representative present for the project. Mr. Bonafede stated that the Town of Newfane has been operating under the regulations but needed to define them in the town code. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol.

No. 6922 – Town Lockport – Special Permit, Site Plan Review

Request by Siva Powers America for the Planning Board to review a special permit request and site plan to allow for the construction of a 15,096 sq. ft. prefabricated warehouse/office building (for wind turbine assembly) and the construction of a single wind turbine located at 1060 Junction Road. The project site is 5.41 acres and is zoned IN, Industrial Use. Patricia Bittar of Siva Power was present to discuss the project. Ms. Bittar stated that the 15,096 sq. ft. warehouse will be made from prefabricated materials and will be

powered by the 120' tall single wind turbine. The stormwater system will run under the parking lot to Junction Road. There are no variances needed for setbacks or parking. A fire hydrant is in close proximity to the project. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6923 – Town of Niagara – Zoning Text Amendment, Zoning Map Amendment

Request by the Town of Niagara for the Planning Board to review a local law amending Chapter 245 of the Town of Niagara Town Code to remove self-storage facility as a permitted use in the B-1 General Commercial District and clarify that Self-Storage Facility is expressly permitted in the LI, Light Industrial and HI Heavy Industrial districts. There was no representative present to discuss the referral. Mr. Bonafede confirmed that the Town of Niagara does not have any pending projects that will be affected by the amendment. The board had no concerns. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Colard. Unanimous. Carried.

No. 6924 – Town of Niagara – Area Variance, Site Plan Review

Request by Mathew Lester of Caliber Brokerage for the Planning Board to review a site plan and area variance request to allow for the construction of a single-story 2,400 sq. ft. Starbucks coffee shop with a 460 sq. ft outdoor patio and drive-thru located at 2700 Military Road. The property is .71 acres and is zoned B-1, General Commercial. Jarret Johnston from Advanced Design Group was present to discuss the project. Mr. Johnston stated that existing entrances from Military and Packard Roads will be utilized and there is no need for new curb cuts. The drive-thru will have capacity for 20 vehicles. There is ample parking on site. An easement will be required with existing establishments on the parcel. Area variances are required for the driveway width of 30' where 55' is required, drive-thru setback of 2.5' where 10' is required, setback needed to place the dumpster at the rear of the property and a front setback of 55.6 where 60 is required. A fire hydrant is in close proximity to the project. A traffic study is in process. A motion for approval was made by Mr. Machelor and seconded by Mr. Agronin. Unanimous. Carried.

No. 6925 – Town of Wheatfield – Use Variance, Special Permit, Minor Subdivision, Site Plan Review

Request by D.G. New York Solar for the Planning Board to review a site plan and use variance, special permit and minor subdivision request to allow for the installation and operation of a 5 MW ground mounted solar array located at 6714 Townline Road. The property is 49.2 acres and is zoned R-R, Rural Residential. Sydney Shivers of Next Era Energy was present to discuss the project. Ms. Shivers informed the board that the 5MW community ground-mounted solar array will have approximately 10,000 panels and there will not be any battery storage onsite. The entrance for construction and maintenance will be located on Shawnee Road. A variance is required to allow for the installation of a 10ft. fence and additional deciduous landscaping will be planted for additional screening. A landscaping maintenance plan is in place. The property will be subdivided into 3 parcels and there will not be any impact to prime farmland. All setback requirements have been met. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Agronin. Unanimous. Carried.

No. 6926 – City of Niagara Falls – Site Plan Review

Request by Chick-Fil-A, Inc. for the Planning Board to review a site plan to allow for the demolition of an existing building and construction of a 5,000 sq. ft. restaurant and drive-thru with 51 parking spaces located at 6610 Niagara Falls Boulevard. The property is 8.10 acres and is zoned C3, General Commercial. Randy Bebout of Bohler Engineering was present to discuss the project. Mr. Bebout stated that an existing building will be demolished and replaced with the new 5,000 sq. ft. restaurant. A 2-lane drive-thru will be constructed with multiple canopy areas that will be utilized by staff for ordering, payment processing and food delivery which will streamline the process. Team members will also assist with traffic flow. There are multiple existing entrances that will be utilized from Mooradian Dr, Military Rd and Factory Outlet Blvd. Signage will be installed on an existing tower and a new monument sign will be constructed as well as traffic directional signage. Existing utility infrastructure will be utilized. A shed and dumpster will be located at the rear of the building. 51 Parking spaces will be installed which meets code requirements. The developer is working closely with the City of Niagara Falls regarding traffic concerns. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

4. Old Business - None
5. New Business-
 - a.) Mr. Bonafede reviewed Lead Agency correspondence that was received.
 - b.) Mr. Sobczyk asked if the board would consider changing the meeting time to 1 p.m. An informal vote was taken 6 No, 1 Yes (Sobczyk). Denied.
6. Adjournment – A motion was made by Mr. Machelor and seconded by Ms. Tamburlin to adjourn the meeting at 3:00 p.m. Unanimous. Carried.

Respectfully submitted,



Jacquiline Minicucci, Recording Secretary

