



NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR
ECONOMIC DEVELOPMENT
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Chairman

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MEETING MINUTES

Niagara County Planning Board

Monday, July 17, 2019 – 2:00 p.m.

Niagara County Center for Economic Development, Sanborn

Members Present: Bill Agronin, Walt Garrow, Joseph Kibler, Andrea Klyczek, Richard Muscatello, James Sobczyk

Members Absent: Garret Meal (proxy ex-officio), Thomas Ohol, William Paton

Staff Present: Benjamin Bidell, 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. Agronin to approve the June 17, 2019 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6612 Town of Porter – Zoning Text Amendment

Request by the Town of Porter for the Planning Board to review a town-wide zoning text amendment for solar energy systems. Peter Jeffery, Building Inspector, and Tony Collard, Planning Board Chair, from the Town of Newfane were present to discuss the proposed solar ordinance. Mr. Jeffery stated the ordinance was written using NYSERDA guidelines as a model. The ordinance establishes zoning regulations for ground-mounted solar and sets requirements for 40% of the commercial output to be utilized for community solar or a community benefit payment to be made to the Town in lieu thereof. Rooftop solar panels and ground-mounted solar installations less than 25 kW will require a building permit only with no site plan review. Tier 2 ground-mounted projects between 25 kW and 25 MW will require a special use permit and site plan review. Tier 3 utility scale solar projects 25 MW and higher will be sited through the state's Article 10 process, but will also require a special use permit and site plan review. Tier 3 solar projects are not allowed in the Waterfront Residential District. The ordinance states no more than 50% of prime agriculture land or farmland of statewide importance on a parcel can be utilized for solar. A decommissioning bond is required of 125% of removal costs with a 3% annual escalation. A motion for approval was made by Mr. Agronin and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6613 Town of Wheatfield – Zoning Map Amendment

Request by Janette Suchecki for the Planning Board to review a request to rezone the property located at 2872 Lockport Road from R-1, Residential-1 to R-C, Restricted Commercial. There is no project proposed at this time. The property is .79 acres. Valerie Ryndak was present to discuss the project on behalf of Ms. Suchecki who also attended the meeting. Ms. Ryndak stated the property currently does not meet residential zoning setback requirements due to a prior eminent domain taking for road widening. The properties at the other three corners of the intersection are also non-conforming. The homeowner was approached previously by a developer interested in the

property, but the sale fell through. There are currently no projects proposed for the site. The property owner desires to position the property for eventual sale. Due to abstentions, the board did not have a quorum for a formal vote. However, members present were generally in favor of recommending approval and did not see a need for further review.

No. 6614 – Town of Lewiston – Site Plan Review

Request by Richard Piva and Borrego Solar Systems for the Planning Board to review a site plan for the construction and operation of a 7.2 MW ground-mounted utility grade solar energy system located at 4352 Williams Road. The property is 96.75 acres and is zoned RR, Rural Residential. Steve Long from Borrego Solar Systems and Mark Kenward, consulting engineer from Erdman Anthony, were present to discuss the project. There will be 18,927 panels installed on 17.62 acres of land. Approximately 54 acres of the site has been identified as prime farmland or farmland of statewide importance. Federal wetlands have been delineated and a jurisdictional determination by the U.S. Army Corps of Engineers is pending. The project is located adjacent to federal wetlands, but will not encroach on any wetlands. Existing site drainage will be maintained. The solar array will be surrounded by a 7-foot fence and entirely screened using existing treeline and new tree plantings. The project will require little treeline removal. The project area will be accessed from an approximately 500-foot gravel driveway off Williams Road. The nearest homes are 472 ft. and 508 ft. away. The panels have a non-reflective coating and a glare study has been completed. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow. Unanimous. Carried.

No. 6615 – Town of Newfane – Area Variance

Request by James McDonough & Zaremba Group, LLC for the Planning Board to review area variance requests for extension of the Highway Commercial District and to allow for less than required parking for the construction of a Dollar General Store located at 1611 Lockport Street. The properties total 1.25 acres and are mixed-zoned HC, Highway Commercial; CF, Community Facility; and R-2, Multi-Family Residential. Jerry Goldman, Attorney, and Mary Ann Wervev from the Zaremba Group were present to discuss the project. Mr. Goldman stated the Town's code allows for a 50-foot extension of the Highway Commercial zone to the adjacent parcels through an area variance when the parcels are owned in common. A second area variance is required to decrease the number of required parking spaces from 38 to 33 with a loading bay. The Dollar General requires only 30 parking spaces. There was general discussion about the challenges presented by the mixed zoning of the parcels. Mr. Goldman stated the issue can be addressed by the area variance and therefore a rezoning is not necessary. A motion for approval was made by Ms. Klyczek and seconded by Mr. Sobczyk. Unanimous. Carried.

No. 6616 – Town of Newfane – Site Plan Review

Request by James McDonough & Zaremba Group, LLC for the Planning Board to review a site plan for the construction of a 7,545 sq. ft. Dollar General Store located at 1611 Lockport Street. The properties total 1.25 acres and is zoned HC, Highway Commercial; CF, Community Facility; and R-2, Multi-Family Residential. Jerry Goldman, Attorney and Mary Ann Wervev from the Zaremba Group were present to discuss the project. The building entrance will face the south side of the property with parking along the south and west of the site. There will be one entrance from East Lake Road as recommended by the NYS Department of Transportation, which has jurisdiction over both roads fronting the site. Residents requested some fencing and landscaping enhancements for screening, which the developer will provide. Faux windows will be located along the north and west façade of the building with a monument-style sign at the entrance. No environmental concerns were noted. The board discussed allowable space and traffic flow for larger trucks. A motion for approval was made by Mr. Garrow and seconded by Ms. Klyczek with the following recommendations: 1.) the properties be combined into one parcel, and 2.) the project be reviewed by the local fire department for safety. Unanimous. Carried.

No. 6617 – Withdrawn

No. 6618 – Town of Somerset – Site Plan Review

Request by Paul & Kelly Brandel and Solar Liberty for the Planning Board to review a site plan for the installation and operation of a 7.68 kW ground-mounted solar array with 24 panels for private residential use located at 2124 Hosmer Road. Christofer Prinzi and Molly Fitch from Solar Liberty were present to discuss the project. There will be 24 panels installed on approximately 400 sq. ft. of land on a 127-acre parcel. All setback requirements have been met. There are no environmental concerns noted. The array is for private use only and it is 900 ft. to the nearest neighboring home. The panels will be owned by the property owner, Solar Liberty is just the contractor. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow. Unanimous. Carried.

No. 6619 – City of North Tonawanda – Site Plan Review

Request by Sean Brennan for the Planning Board to review a site plan for the construction of a 5,000 sq. ft. commercial storage building with a seven-space parking lot located at 1491 Payne Avenue. The property is .528 acres and is zoned C-1, Neighborhood Business. Mr. Brennan was present to discuss the project. The storage building will be used to store construction supplies for Mr. Brennan's business. There will not be any outdoor storage or hazardous materials stored on site. A stormwater management plan will need to be developed. A motion for approval was made by Mr. Muscatello and seconded by Mr. Agronin. Unanimous. Carried.

4. *Old Business* – None
5. *New Business* – None
6. *Adjournment* – A motion was made by Mr. Agronin and seconded by Ms. Klyczek to adjourn the meeting at 3:08 p.m. Unanimous. Carried.

Respectfully submitted,


Jacqueline Minicucci, Recording Secretary