



## NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR  
ECONOMIC DEVELOPMENT  
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**Joseph Kibler**  
**Chairman**

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### MEETING MINUTES

Niagara County Planning Board  
Monday, February 22, 2021 – 2:00 p.m.

Meeting held via WebEx:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=mab57e8eb743076b6ce9bf7c0feeea527>

- Members Present:** Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Normal Machelor, James Sobczyk, Garret Meal (ex-officio)
- Members Absent:** Mary Jo Tamburlin (ex), Thomas Ohol, Jonathan Welka
- Staff Present:** Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:05 p.m.
2. A motion was made by Mr. Garrow and seconded by Ms. Klyczek to approve the January 25, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

#### **No. 6693 – City of Lockport – Site Plan Review**

Request by Iskalo Development Corporation for the Planning Board to review a site plan for the restoration and rehabilitation of the historic Post Office building located at 1 East Avenue to be utilized for commercial use. The property is 0.57 acres and is zoned B-2, Central Business. David Chiazza of Iskalo Development Corporation was present to discuss the project. Mr. Chiazza reviewed the building history and prior uses stating that the development will not change the historic significance of the building. The proposed reuse will include boutique retail on the main floor, studio type spaces on the lower level and office suites on the upper floors. The former courtroom will be marked as office space. A new entryway will be constructed and landscaping will be added. Public parking surrounds the building. There are no parking requirements in the B-2 zoning district. A motion for approval was made by Mr. Agronin, seconded by Mr. Garrow. Unanimous. Carried.

#### **No. 6696 – Town of Somerset – Special Permit**

Request by Stephanie Mason for the Planning Board to review a special permit request to allow for the operation of a bakery in an existing barn located at 2134 County Line Road. The property is 29.25 acres and is zoned A, Agricultural. Ms. Fisk explained the project to the board. A special use permit is required to allow for a home occupation in the Agricultural zoning district. The area is rural and no traffic impacts are expected with the proposed use. A motion for approval was made by Mr. Agronin, seconded by Mr. Garrow. Unanimous. Carried.

**No. 6697 – Town of Lewiston – Site Plan Review and Subdivision**

Request by Mark & Debra Perry for the Planning Board to review a 12-lot subdivision and site plan for an 11-lot residential development located at 4639 Vrooman Drive. The existing home will occupy the 12<sup>th</sup> lot. The property is 35.43 acres and is zoned R-1, One-Family Residence. Kristen Savard of Advanced Design Group was present to discuss the project. Ms. Savard stated that the developer is proposing 11 new lots for the construction of single-family residences. The homes will be constructed in a cul-de-sac fashion at the end of West Park Drive. Due to only having one ingress/egress, homes will require sprinkler systems. All setbacks requirements have been met and no variances are required. There will be no disturbance to onsite wetlands. A home owners association will be established for the development. A motion for approval was made by Mr. Sobczyk, seconded by Mr. Garrow. Unanimous. Carried.

**No. 6698 – City of North Tonawanda – Site Plan Review**

Request by J. Retenmaier USA, LP for the Planning Board to review a site plan for the construction of a single-story 6,600 sq. ft. addition to an existing manufacturing building located at 19 Bridge Street. The property is 2.73 acres and is zoned WD, Waterfront District. Bill Dobler with Barton & Loguidice was present to discuss the project. Mr. Dobler stated that the building addition will be constructed at the rear of an existing building on the parcel. The manufacturing portion of the business will move to the new space freeing up space in the existing building for additional warehouse needs. No additional employees are anticipated. A motion for approval was made by Ms. Klyczek, seconded by Mr. Machelor. Unanimous. Carried.

**No. 6706 – Town of Cambria – Area Variance**

Request by Mark Voelker for the Planning Board to review an area variance for the southeast corner of the intersection of Lockport Junction Road and Saunders Settlement Road. The variance request will allow the applicant to maintain an existing barn that is 58' from the east side lot whereas code requires a 100' setback. The property is 15.7 acres and is zoned AR, Agricultural-Residential. Ms. Fisk informed the board that there is currently a barn and residence on the property. The homeowner is requesting to subdivide the property into two parcels and after the subdivision, the setback between the residence and barn will be approximately 58 ft. whereas a 100 ft. setback is required. A motion for approval was made by Mr. Collard, seconded by Mr. Machelor. Unanimous. Carried.

**No. 6707 – Town of Lewiston – Subdivision**

Request by Alexis Stopa-Weis for the Planning Board to review a subdivision for a 1-lot split on Porter Center Road. The new parcel will be 0.57 acres. The entire property is 11.2 acres and is zoned RR, Rural Residential. Ms. Fisk stated that the 1-lot subdivision, 125' X 200', meets the town lot size requirements and is similar in size to other parcels in the area. The board had no concerns. A motion for approval was made by Mr. Garrow, seconded by Mr. Collard. Unanimous. Carried.

**No. 6694 – Town of Newfane – Zoning Text Amendment**

Request by the Town of Newfane for the Planning Board to review a zoning text amendment to adopt a solar energy law. William Clark, Newfane Planning Board Chairman, James Sansone, Town of Newfane Attorney and Nathan Vanderbeck, Newfane Planning Board member were present to discuss the project. Mr. Clark stated the new zoning addresses rooftop, freestanding, and utility scale solar development through a four tier classification system. Each tier has specific requirements with Tier 3 and 4 being utility scale solar projects. Mr. Clark provided highlights of the law including setback requirements, restriction on use of land that contains more than 50% prime farmland, no solar allowed on land north of the Hojack railroad right-of-way, and decommissioning requirements. Mr. Sansone explained the liability insurance requirement. Mr. Vanderbeck read an open letter addressed to the board stating that allowing solar in rural residential and agricultural districts is not consistent with the County's master plan and is an overreach and violation of the New York State constitution because it will lead to the loss of agricultural land. Mr.

Vanderbeck further stated that there has been minimal input from town residents and neighbors who could be negatively impacted by pop up commercial power stations and battery storage facilities. Mr. Vanderbeck requested the board deny the draft law stating that it does not align with the state constitution, the county master plan and disregards protection of residents. Ms. Fisk reviewed other local solar laws and the NYSERDA model solar law and provided the board with comparisons between the laws. Mr. Sansone explained that the local law can't be too restrictive for Tier 4 projects that will be approved through the NYS ORES process. The board discussed the various aspects of the law and additional guidelines the town may consider. The board suggested modifications as follows: 1.) All Tier 3 & 4 projects should require site plan approval in addition to special use permits approval. 2.) Additional screening requirements should be added similar to other towns (examples will be provided). 3.) The appropriateness of the proposed setbacks should be reviewed. 4.) In the example decommissioning plan, 36" depth removal should be changed to "removal of all infrastructure". 5.) Consider other issues raised through public deliberations. A motion for approval with suggestions noted was made by Mr. Garrow, seconded by Mr. Machelor. Unanimous. Carried.

**No. 6695 – Town of Newfane – Zoning Text Amendment**

Request by the Town of Newfane for the Planning Board to review a zoning text amendment to replace the existing Flood Damage Prevention code in its entirety. The proposed amendment is the model law provided by DEC in response to FEMA flood mapping changes. A motion for approval was made by Mr. Garrow, seconded by Mr. Agronin. Unanimous. Carried.

**No. 6699 – Town of Porter – Zoning Text Amendment**

Request by the Town of Porter for the Planning Board to review a zoning text amendment to replace the existing Chapter 93, Flood Damage Prevention code in its entirety with a new Chapter 93. The proposed amendment is the model law provided by DEC in response to FEMA flood mapping changes. A motion for approval was made by Mr. Garrow, seconded by Mr. Agronin. Unanimous. Carried.

**No. 6704 – Town of Wheatfield – Zoning Text Amendment**

Request by the Town of Wheatfield for the Planning Board to review a zoning text amendment to repeal and replace in its entirety Chapter 101 - Flood Damage Prevention law. The proposed amendment is the model law provided by DEC in response to FEMA flood mapping changes. A motion for approval was made by Mr. Agronin, seconded by Ms. Klyczek. Mr. Garrow abstained. Unanimous. Carried.

**No. 6705 – Town of Lewiston – Zoning Text Amendment**

Request by the Town of Lewiston for the Planning Board to review a zoning text amendment to repeal and replace in its entirety Chapter 175 - Flood Damage Protection. The proposed amendment is the model law provided by DEC in response to FEMA flood mapping changes. A motion for approval was made by Mr. Garrow, seconded by Mr. Agronin. Unanimous. Carried.

**No. 6700 – Town of Porter – Zoning Map Amendment, New Zoning Ordinance**

Request by the Town of Porter for the Planning Board to review a zoning map amendment and new zoning ordinance, Chapter 200, Article III, Section 200-22, Lake Ontario Environmental Overlay District. The new district will establish the Lake Ontario shoreline as an environmental protection area. Peter Jeffery, Town of Porter Code Enforcement Officer was present to discuss the ordinance. Mr. Jeffery stated that the town has been reviewing the Local Waterfront Revitalization Program and the amendment is to include the overlay district which is along Lake Road. All actions in the district will require a site plan review and permits for any activity in the zone. Mr. Garrow requested that the town includes language stating that the amendment is not retroactive for existing structures. A motion for approval was made by Mr. Agronin, seconded by Mr. Garrow. Mr. Collard abstained. Unanimous. Carried.

**No. 6701 – Town of Porter – Zoning Map Amendment, New Zoning Ordinance**

Request by the Town of Porter for the Planning Board to review a zoning map amendment and new zoning ordinance, Chapter 200, Article III, Section 200-20, Niagara River Environmental Overlay. The new district will establish the Niagara River frontage as an environmental protection area. Peter Jeffery, Town of Porter Code Enforcement Officer was present to discuss the ordinance. Mr. Jeffery stated that the overlay district is pre-existing but amendments were needed for additional environmental protections along Lower River Road. Mr. Garrow requested that the town includes language stating that the amendment is not retroactive for existing structures. A motion for approval was made by Mr. Agronin, seconded by Mr. Garrow. Unanimous. Mr. Collard abstained. Carried.

**No. 6702 – Town of Porter – New Zoning Ordinance**

Request by the Town of Porter for the Planning Board to review a new zoning ordinance titled Town of Porter Local Waterfront Revitalization Program (LWRP) Consistency Review Law. The new law will provide a framework for the Town to incorporate policies and purposes of the LWRP into application reviews. Peter Jeffery, Town of Porter Code Enforcement Officer was present to discuss the ordinance. Mr. Jeffery explained the ordinance and stated that whenever an action is proposed in the waterfront revitalization area, a consistency determination will be required. A motion for approval was made by Mr. Garrow, seconded by Mr. Machelor. Mr. Collard abstained. Unanimous. Carried.

**No. 6703 – Town of Porter – New Zoning Ordinance**

Request by the Town of Porter for the Planning Board to review a new zoning ordinance, Chapter 82 - Pet Waste. Peter Jeffery, Town of Porter Code Enforcement Officer was present to discuss the ordinance. Mr. Jeffery stated that the LWRP includes language about adopting a pet waste ordinance. The law will require a pet owner to immediately cleanup pet waste if it is not on the owner's property. A motion for approval was made by Mr. Kibler, seconded by Mr. Machelor. Mr. Collard abstained. Unanimous. Carried.

4. *Old Business* – None

5. *New Business* –

Ms. Fisk informed the board of the training opportunity: Farmland Protection Practice on Monday, February 22, 2021 which will provide 1 credit hour towards the annual training requirements.

6. *Adjournment* – A motion was made by Mr. Collard and seconded by Mr. Agronin to adjourn the meeting at 3:44 p.m. Unanimous. Carried.

Respectfully submitted,

  
Jacqueline Minicucci, Recording Secretary