



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 100
Sanborn, New York 14132
Monday, August 16, 2021 – 2:00 p.m.

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Normal Machelor, James Sobczyk

Members Absent: Thomas Ohol, Mary Jo Tamburlin, Jonathan Welka, Garret Meal (Ex Officio)

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. Agronin and seconded by Mr. Garrow to approve the July 19, 2021 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6751 – Town of Niagara – Minor Subdivision

Request by MUZZ, AGD, LLC for the Planning Board to review a minor subdivision request for the parcel located at 3000-3008 Military Road. The two existing buildings are operating as office facilities. The property is .91 acres and is zoned B-1, General Business. August Domenico was present to discuss the project. Mr. Domenico informed the board that there are currently two buildings on the property with separate addresses and he would like to move forward with the sale of 6400 Edgewood Drive. The subdivision is required to facilitate the sale. There will be no changes to the buildings, all parking requirements have been met and the parcel is zoned properly for current use. The board discussed the setback requirements and noted that a side yard setback variance may be required for the Edgewood Dr. building. A motion to approve the subdivision request and any area variances that may be needed for setbacks was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

No. 6752 – Town of Lewiston – Site Plan Review

Request by CIR Electric on behalf of Jeff Wojick for the Planning Board to review a site plan request for the construction and operation of a 15.3kw ground-mounted solar energy system located at 1461 Ridge Road. The property is .84 acres and is zoned B, Business. Jeff Wojick was present to discuss the project. Mr. Wojick stated that the Tier 2 solar energy system will be for personal residential use only. The solar array has a 37' rear setback and a 41' front setback which meets town zoning requirements. There will be 36 fixed panels installed, 10.5' in height. There are pre-existing trees on the property that will provide screening. A motion for approval was made by Ms. Klyczek and seconded by Mr. Collard. Unanimous. Carried.

No. 6753 – City of Niagara Falls – Area Variance

Request by Jim Popiela of Santoro Signs for the Planning Board to review an area variance request to allow for the installation of a 3' x 18' illuminated box sign on the east side wall of an existing auto repair business located at 6720 Buffalo Avenue. The property is .47 acres and is zoned C1-A, Neighborhood Commercial. Jonathan Pellegrino of J's Repair Shop was present to discuss the project. Mr. Pellegrino informed the board that he is requesting a 38 sq.ft. variance to install an LED sign on the East side of the building. The board had concerns regarding light spillover onto adjacent properties. Mr. Pellegrino stated that the sign will be installed under a roof eave, and if needed, a timer will be utilized to limit the hours of illumination. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6754 – City of Niagara Falls – Area Variance

Request by Mitch Donnelly of Flexlume Signs for the Planning Board to review an area variance request to allow for the installation of new sign faces on existing pole sign cabinets located at 6505 Niagara Falls Blvd. The property is 2 acres and is zoned C-3, General Commercial. There was no representative present to discuss the project. Mr. Bidell informed the board that there are two existing pole signs on the parcel. The city's sign ordinance allows the businesses to have two signs, but they must be different types. The size of the signs will remain the same but the content will change due to a business name change, which requires a permit from the municipality. The pre-existing signage exceeds the current zoning district allowance, requiring variances for height and area as well as to allow two signs of the same type. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6755 – Town of Newfane – Use Variance

Request by Mark and Rhonda Parker for the Planning Board to review a use variance request to operate a coffee shop, themed event center, and rental room business at 6139 East Avenue. The property is 1.1 acres and is zoned R-1, Single Family Residential. Mark & Rhonda Parker were present to discuss the project. Mr. & Mrs. Parker stated they acquired the building which is a former funeral home with the intention to renovate it into a café and event space. Mr. Parker noted that the events will be small in size and there will be no outside music. There are 32 parking spaces which meets code requirements. The owners will reside on the premises. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

No. 6756 – Town of Newfane – Parcel Combination, Zoning Map Amendment

Request by the Town of Newfane for the Planning Board to review a zoning map amendment request for SBL#s 81.02-2-12, 81.02-2-17, and 81.02-2-18. The parcels will be rezoned HC, Highway Commercial to allow the future owners to operate a business. The parcels are zoned HC, Highway Commercial and CF, Community Facilities and are 1.88 acres. Mark Zimmerman, project developer was present to discuss the referral. Mr. Zimmerman informed the board that he has entered into a purchase agreement for the former church site that is contingent upon the rezoning. If approved, the property will have multiple possible uses including a bed & breakfast, event space, antique store, dayhab center, and retail space, though plans have not yet been finalized. The two parcels containing the driveway and parking lot, respectively, are already zoned HC, Highway Commercial, which is consistent with the zoning of adjacent parcels and others in this vicinity. The church parcel must be rezoned to allow commercial uses. Without the rezoning, there is limited reuse potential for the buildings, which are currently vacant. Mr. Zimmerman said he did not plan to combine the parcels, but understood it may be required in order to eliminate the landlocked parcel and satisfy site plan requirements. A motion for approval with the recommendation that the parcels be combined was made by Ms. Klyczek and seconded by Mr. Machelor. Unanimous. Carried.

No. 6757 – Town of Niagara – Site Plan Review

Request by Matt Squires of Scrufari Construction for the Planning Board to review a site plan for the construction of a new 43'10 x 40' storage shed at an existing business located at 3925 Hyde Park Boulevard. The property is 2.6 acres and is zoned HI, Heavy Industrial. Matt Squires of Scrufari Construction was present to discuss the project. Mr. Squires stated that a former two-story building has been demolished. A concrete pad exists on the site where the new one-story storage building will be constructed. There is no change in the footprint of the new building, which will have the same outside dimensions. The building will be used to store equipment for the existing construction business. There is no change to the stormwater system. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6758 – Town of Wheatfield – Special Permit, Site Plan Review

Request by DG New York CS, LLC for the Planning Board to review a site plan and special permit request for the installation and operation of a 5MW ground mounted utility scale solar energy system located at 3636 Mapleton Road. The property is 79.3 acres and is zoned R-R, Rural-Residential, A-R, Agricultural-Residential, R-2, Residential-2. Chris Georgiadis of NextEra Energy was present to discuss the project. Mr. Georgiadis stated that the project must conform to requirements in the prior Wheatfield Solar Law and the site plan has been updated based on past comments. Mr. Georgiadis noted the landscaping plan has changed significantly to include an added buffer with a variety of trees, a vegetation maintenance plan, and tree replacement requirements for the life of the project. A 6' fence will be installed. The project will be setback approximately 120 feet from existing residential properties. No variances are being requested. A solar panel recycling plan has been developed in accordance with Niagara County's requirements. There will be no battery storage on site. The entrance to the project site will be from Miller Road. The property is currently active farmland and the project has been submitted to NYS Department of Agriculture & Markets for review. Ms. Amy Fisk reviewed the project against NYS General Municipal Law 239-1 (g) which requires the board to take into consideration county plans when making a recommendation. The project is not consistent with the Niagara County Agriculture and Farmland Protection Plan since the site contains prime soils. The project was discussed with the Niagara County Agricultural and Farmland Protection advisory board and the consensus of the board continues to be that industrial green energy projects are important but should be placed on brownfields/landfills and marginal land – not farmland. A motion for denial due to the projects impact on County prime soils was made by Ms. Klyczek and seconded by Mr. Machelor. Yes-4 (Collard, Machelor, Klyczek, Sobczyk), No-2 (Agronin, Kibler), Garrow (Abstained). Motion Passed.

4. *Old Business* – None
5. *New Business* – None
6. *Adjournment* – A motion was made by Mr. Machelor and seconded by Mr. Collard to adjourn the meeting at 3:10 p.m. Unanimous. Carried.

Respectfully submitted,


Jacqueline Minicucci, Recording Secretary

