



NIAGARA COUNTY PLANNING BOARD

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Chairman

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MEETING MINUTES

Niagara County Planning Board
Monday, January 25, 2021 – 2:00 p.m.
Meeting held via WebEx:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=mabdb34f96db56140abdb9e419731167e>

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Norman Machelor, James Sobczyk, Mary Jo Tamburlin, Garret Meal (ex-officio)

Members Absent: Thomas Ohol, Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:00 p.m.
2. Chairman Kibler welcomed newly appointed board members Mary Jo Tamburlin and Norman Machelor.
3. A motion was made by Mr. Garrow and seconded by Mr. Agronin to approve the December 21, 2020 meeting minutes. Unanimous. Carried.
4. *Niagara County Planning Board Referrals*

No. 6689 – Town of Lockport – Special Permit, Site Plan Review

Request by RPNY Solar 3, LLC for the Planning Board to review a special permit request and site plan for the construction and operation of a 10 MW community solar energy system located at 7068 Slayton Settlement Road. The property is 131 acres and is zoned AG, Agricultural. Brian Madigan of Renewable Properties and Dave Plante of Bergman Associates were present to discuss the project. Mr. Madigan gave the board an overview of Renewable Properties. He stated the proposed community solar project will offer an energy cost savings of 10-15% to local residents. A preliminary meeting was held with the Town of Lockport on January 5, 2021 and a public hearing is scheduled for February 16, 2021. Mr. Plante informed the board that the project will utilize 49 acres of land in two sections to avoid impacts to the existing wetlands that run through the middle of the property. The site can be accessed from both Day Road and Slayton Settlement Road and no traffic will be generated after construction so no traffic impacts are expected. New York Department of Agriculture and Markets is currently reviewing the Notice of Intent since the property is in agricultural use. All stormwater will be treated on-site and all DEC requirements will be met. A 7ft. lattice-screened fence will be installed. The Town of Lockport is requiring additional landscape screening with evergreens for the Day Road and Slayton Settlement Road residences. There is a 250 ft. setback from the roadway and 500 ft. from any structure which complies with town code requirements. There will not be any battery storage onsite. Mr. Garrow stated concerns regarding the noise levels of the inverters. Mr. Plante noted that current setbacks will help address any sound issues and stated the energy system is not in operation at night. A decommissioning plan has been submitted to the town for

review. The FAA issued a determination of no hazard to air navigation letter. The project meets all of the requirements of the town's solar law. A motion for approval was made by Mr. Garrow and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6690 – City of Lockport – Special Permit

Request by Marc and Ashley Pietrzykowski for the Planning Board to review a special permit request to utilize the rear lot located at 484 West Avenue as an outdoor dining, beverage and entertainment space. The property is 0.4 acres and is zoned I-3, Heavy Industrial. Marc and Ashley Pietrzykowski were present to discuss the project. Mr. & Mrs. Pietrzykowski stated that the project will be completed in two phases. Phase one will include utilizing the open space behind the building for outdoor dining in a tent and portable toilet structures. Phase two will add a seasonal outdoor bar and the construction of two bathrooms onto the back of the existing residential building. They plan to have low volume acoustic live music on weekends and will adhere to the City's noise ordinance regulations. There is enough existing parking to accommodate the proposed use. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Unanimous. Carried.

No. 6691 – Town of Porter – New Zoning Ordinance

Request by the Town of Porter for the Planning Board to review a new zoning ordinance to amend existing Article IV Section 200-7, Permitted Uses Table and to replace Article IV, Section 200-52 Solar Energy Systems of the Town Zoning Code in its entirety. Peter Jeffrey, Town of Porter Code Enforcement Officer was present to discuss the amendments. Mr. Jeffrey stated that the Town reviewed the existing law with a committee and the town's consultant engineering firm GHD. Mr. Jeffrey noted that changes were made to increase visual screening and landscaping requirements. Solar projects will be limited to industrial districts. Decommissioning plans will be re-evaluated every five years for possible cost amendments. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Mr. Collard abstained. Unanimous. Carried.

No. 6692 – City of Lockport – Area Variance, Site Plan Review

Request by 4 Lock St., LLC for the Planning Board to review an area variance request and site plan for the renovation of an existing, vacant 2-story building to be utilized as a first floor business and second floor apartments located at 4 Lock Street. Area variances are required for size and number of parking spaces. The property is 0.10 acres and is zoned B-2, Central Business. Susan Evanson with Apex was present to discuss the project. Ms. Evanson stated that the rear portion of the existing structure will be demolished and the vacant building will be renovated into (2) two bedroom and (1) one bedroom apartments on the second floor and possibly a restaurant on the first floor. An alley in the rear of the building will provide the only onsite parking. The alley is 8.3' wide and a 1.7' variance is required. The board discussed fire safety concerns. The parking spaces will be 135.9' each so a 64.1' variance is needed. A variance is needed to allow for 3 parking spaces instead of the 6 spaces required. A motion for approval with the recommendation that the City conduct a fire safety review was made by Mr. Collard and seconded by Mr. Agronin. Unanimous. Carried.

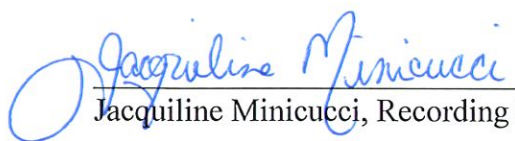
5. *Old Business* – None

6. *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.

7. *Adjournment* – A motion was made by Mr. Garrow and seconded by Mr. Agronin to adjourn the meeting at 2:48 p.m. Unanimous. Carried.

Respectfully submitted,



Jacqueline Minicucci, Recording Secretary