



## NIAGARA COUNTY PLANNING BOARD

SAMUEL M. FERRARO CENTER FOR  
ECONOMIC DEVELOPMENT  
6311 INDUCON CORPORATE DRIVE  
SANBORN, NEW YORK 14132

**Joseph Kibler**  
**Chairman**

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### MEETING MINUTES

Niagara County Planning Board  
6311 Inducon Corporate Drive – Suite 100  
Sanborn, New York 14132  
Monday, March 21, 2022 – 2:00 p.m.

- Members Present:** Bill Agronin, Michael Carney, J. Anthony Collard, Walt Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, James Sobczyk
- Members Absent:** Mary Jo Tamburlin (Ex), Jonathan Welka (Alt), Garret Meal (Ex Officio)
- Staff Present:** Amy Fisk, Jacqueline Minicucci
- Others Present:** Tom Prohaska (Buffalo News), Heather Lewis (Resident)

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 February 28, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

#### **No. 6803 – City of Niagara Falls – Area Variance, Site Plan Review**

Request by New Potato Creek Holding, LLC for the Planning Board to review an area variance request and site plan review for the construction of a 3,475 sq.ft. Tidal Wave Auto Spa car wash facility at 7029 Niagara Falls Boulevard. The following area variances are requested. Total of directional signs shall not exceed 16 sq.ft. whereas 52 sq.ft. is proposed. Directional signs shall not exceed 3 ft. in height whereas 6 ft. is proposed. Only 1 ground mounting sign is allowed whereas 2 ground mounted menu boards are proposed. No ground mounted signs are allowed where the structure has a front yard setback of less than 20 ft. whereas the front yard setback of the structure is 9 ft. A parking variance is needed. The property is 1.73 acres and is zoned C3, General Commercial. Randy Bebout was present virtually to discuss the project. Mr. Bebout stated that there is currently a single family residence on the property that will be demolished. There will be two curb cuts installed, one along 70<sup>th</sup> Street and one at 71<sup>st</sup> Street with full ingress/egress. There will not be any access from Niagara Falls Boulevard. Two 28' stacking lanes with 14 car capacity each are proposed that will lead to the pay stations and merge into one lane entering the car wash. Two-way circulation on site will enable better traffic flow. The site will have 30 parking stalls which includes 28 for vacuums and 2 for employees. Vacuum equipment will be under canopy to protect patrons from the elements and reduce noise levels. There will not be a convenience store but a vending area will be offered for cleaning supplies. The developer is currently working with the City on the wastewater plan which includes a recycled reclamation system to reduce impacts to the sanitary sewer. Hours of operation will be from 8 am-8 pm daily. Dark sky lighting will be installed and all signs will be turned off at the close of business each day. Landscaping will be installed throughout the site and will

provide a buffer to residential neighbors. The project meets all setback requirements and is properly zoned. A motion for approval was made by Mr. Garrow and seconded by Mr. Collard. Unanimous. Carried.

**No. 6804 – Town of Niagara – Area Variance**

Request by McCormick 111, LLC for the Planning Board to review an area variance to reconfigure 7500 and 7510 Porter Road to align the existing buildings within their respective parcels. The combined parcel acreage is 5.64 acres and is zoned PID, Planned Industrial District. David Pearl on behalf of McCormick 111 was present virtually to discuss the project. The three parcels are currently under the ownership of McCormick 111 and the subdivision is needed to address the existing non-conforming conditions. Approximately 100' of the existing warehouse structure encroaches on the adjacent parcel and the lot adjustment will allow the building to be within a single parcel. The current front setback of the existing building is 39' where 60' is required. An easement will be in place for driveway access. The property owner is also requesting a zoning change for 7500 Porter Road from PID to B-1, General Business which is commensurate with the surrounding area. The board had no concerns because the non-conforming conditions were pre-existing. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6805 – Town of Newfane – Area Variance**

Request by Omni Navitas Holdings, LLC for the Planning Board to review an area variance request to allow for the construction and operation of a 5MW utility scale solar energy system located at 6260 Drake Settlement Road on land that contains more than 50% prime farmland. The property is 60 acres and is zoned, RR, Rural Residential. Peter McAuliffe of Omni Navitas, Patrick Dannebrock and Keith Herick (property owners) were present to discuss the project. The project was previously reviewed by the board in December 2021. Mr. McAuliffe stated a variance is needed because the project will utilize more than 50% of prime farmland. The property is not currently being farmed and a recent soil study revealed that the ground condition has been downgraded from "prime" to "good soil". Mr. Dannebrock stated that an agricultural tax exemption was claimed for the property because 1 acre of land is used by Stedman Nurseries to dispose of trees and yard waste. The town is still deciding whether the property is considered active farmland because of the exemption. Solar panels will be on less than 50% of the total parcel size with 29 of 60 acres being utilized. The NYS Department of Agriculture and Markets issued a determination that the project would have no adverse effect on farming. No wetlands will be disturbed and there are no environmental concerns. Site drainage is being reviewed by the Town. No battery storage is proposed and landscape screening already exists. A motion for approval was made by Mr. Ohol and seconded by Mr. Carney. Unanimous. Carried.

**No. 6800 – Town of Niagara – Area Variance, Site Plan Review, Subdivision**

Request by JB2 Partners, LLC for the Planning Board to review an area variance request, site plan review, and General Municipal Law 239-n subdivision review for the construction and operation of an e-commerce storage and distribution facility located at 8995 Lockport Road. The property is 216 acres and is zoned HI, Heavy Industrial. Kimberly Nason (Phillips Lytle, LLP), Amy Dake, John Bankroft, Adam Terrell, Mike Finan, Matt Fitzgerald, and Maura Kennedy (Amazon) were present to discuss the project. Ms. Kennedy informed the board that the warehouse is considered to be a "1<sup>st</sup> Mile" fulfillment facility which will receive in-bound bulk shipments of products from suppliers and then sent to facilities for direct shipment to consumers. Ms. Kennedy stated that approximately 1,000 full-time positions will be created at a rate of \$15 per hour with medical, dental, and 401K benefits as well as creating 300 construction jobs. Ms. Kennedy noted that 70% of all employees get promoted from within the company and 5% of the workplace is in a managerial capacity. There will be two 10-hour shifts with a 2 hour buffer in place. Mr. Bankroft informed the board that the developer has a pending purchase contract with the property owner that will be finalized once all project approvals have been received. Ms. Nason stated the parcel is zoned correctly and the Town of Niagara suggested the shovel-ready site to the developer. The property is agricultural fields but the site is zoned Heavy Industrial. An area variance is required for a building height

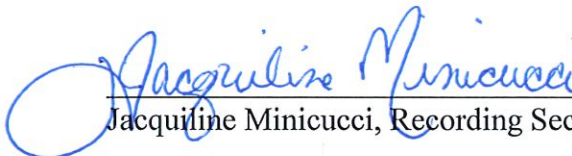
of 107' where 40' is allowed by code. The building height will allow the developer to reduce the project footprint with only 7% lot coverage which leaves 105 acres of land undisturbed. Variances are required to allow for 3 free-standing signs where only 1 is allowed by code and for sign sizes of 275 sq.ft. and 288 sq. ft. where only 200 sq.ft. is allowed by code. An entrance will be installed from Lockport Road with turning lanes and a signal light installed. Michael Finan of Langan Engineering stated the building will be 5-stories high with each level consisting of 650,000 sq. ft. floor area. There will be 1,755 parking slots for personal vehicles, 414 trailer parking stalls and 55 loading docks. The site will have guarded gate access. Mr. Finan stated that stormwater will be managed by bio retention dry ponds noting that there is a floodplain located on the south side of the parcel. Sewer and water infrastructure will be installed and there will be two water tanks onsite for fire safety purposes. Landscaping berms will be utilized for screening purposes. Amy Dake informed the board that a traffic study was completed between October 2021 and January 2022 noting that the project will be reasonably accommodated by the existing roadway network with the proposed improvements. Ms. Dake stated that the peak travel times will be from 6:30 a.m. - 7:30 a.m. and 5:30 p.m. - 6:30 p.m. There will be 4 driveways constructed. The main truck driveway from Lockport Road will have turning lanes installed and a signal light. An entrance on Tuscarora Road will be gated and used for exiting of vehicles only. There will be approximately 200-300 trucks per day that will mainly be traveling to and from the Interstate 190 expressway intersection located on Packard Road. Ms. Fisk informed the board that the developer is also asking for a General Municipal Law 239-n subdivision which will consolidate the four parcels. A motion for approval was made by Mr. Garrow and seconded by Mr. Ohol. Unanimous. Carried.

4. *Old Business* – None

5. *New Business* – Richard Palladino, Randy Palladino, and John Villella requested to speak with the board regarding a project that is located at 7691 Rochester Road in Royalton. The project was previously reviewed by this board in December of 2021 and determined to not have any inter-municipal or county-wide impact. Mr. Palladino stated that the municipality failed to inform the adjacent residents of the project and felt that the board should be informed that there is opposition to the project which was not presented at the time of review. A decision on the project hasn't been made by the Town. Ms. Fisk informed the board that she received email notification from the applicant that he is withdrawing the project from consideration.

6. *Adjournment* – A motion was made by Mr. Carney and seconded by Mr. Collard to adjourn the meeting at 3:18 p.m. Unanimous. Carried.

Respectfully submitted,

  
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Jacqueline Minicucci, Recording Secretary

