



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, February 28, 2022 – 2:00 p.m.

Webex:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=m52832ed27541c3c198a29f1afdf48f61>

- Members Present:** Bill Agronin, Michael Carney, J. Anthony Collard, Walt Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, James Sobczyk, Mary Jo Tamburlin, Jonathan Welka Garret Meal (Ex Officio)
- Members Absent:** Mary Jo Tamburlin (Ex)
- Staff Present:** Amy Fisk, 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 January 24, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6792 – Town of Lewiston – Use Variance

Request by the Sanborn Historical Society for the Planning Board to review a use variance request to allow for an interconnection to a National Grid existing utility pole located in a General Business (B) district on property located at Niagara & West Streets. Connection will run underground to the pole farm at the proposed solar array at 2660 Saunders Settlement Road. The use variance is required because solar is not an allowable use in the B district. Marc Kenward of Erdman Anthony Engineering was present to discuss the project. Mr. Kenward informed the board that the original approved project entrance was not suitable due to fire access and possible disturbance to adjacent neighbors. The primary access has been relocated to Saunders Settlement Road. The developers have worked with National Grid to properly locate the utility pole interconnections which will be underground with no visual barriers. Ms. Fisk requested the developers consider incorporating agrivoltaics which would be beneficial for agriculture and educational purposes. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Mr. Machelor abstained. Unanimous. Carried.

No. 6793 – Town of Niagara – Special Permit

Request by James Runkle for the Planning Board to review a special permit request to allow for the operation of an in-home business for administrative purposes only located at 4610 Theresa Lane. The property is 0.29 acres and is zoned R-1, Single-Family Residential. James Runkle was present to discuss the project. Mr. Runkle informed the board that the only business to be conducted on the premises will be administrative in nature such as phone calls and bookkeeping. There will not be any changes to the home,

signage installed, or increase in foot traffic. There will not be any equipment stored on the property. A motion for approval was made by Mr. Agronin and seconded by Mr. Carney. Unanimous. Carried.

No. 6794 – Town of Niagara – Area Variance, Special Permit, Subdivision, Site Plan Review

Request by Quicklee's for the Planning Board to review requests for an area variance, special permit, minor subdivision and site plan review to allow for the construction and operation of a travel plaza with a fueling facility, truck wash and restaurant located at 6001-6025 Porter Road. A special use permit is required for a truck wash in the B-1, General Business District zoning. Area variances are required for (3) 15,000 gallon underground storage tanks and (1) 2,500 gallon storage tank for a total of 47,500 gallons whereas the zoning code allows a maximum of 35,000 gallons with a maximum storage of 10,000 each. The project site is 14.47 acres. There was no representative present to discuss the project. Ms. Fisk gave the board an overview based on the information provided to the board. Ms. Fisk informed the board that 3 parcels were consolidated. There will be electric vehicle charging stations installed on the northeast section of the parcel. NYSDEC is currently reviewing the stormwater management plan needed before issuance of the SPDES permit. A traffic study was done and turning lanes will be installed from Porter Road to mitigate potential traffic issues. Ms. Fisk reviewed comments from the Town of Niagara. The board stated that the project location is commensurate with the surrounding area. A motion for approval was made by Mr. Ohol and seconded by Mr. Collard. Unanimous. Carried.

No. 6795 – Town of Lockport – Special Permit

Request by Carson's Country Deli for the Planning Board to review a special permit request to allow for the installation and operation of a drive-thru pickup window for phone orders located at 5668 Old Saunders Settlement Road. The property is 0.60 acres and is zoned B-2, General Business. Sharon Corum, Assistant Manager was present to discuss the project. Ms. Corum stated that the pick-up window will be for pre-orders only. It is estimated that there will be approximately a maximum of three cars in line during the busiest hours. There will be no changes to existing infrastructure and signage. The board did not have any concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Carney. Unanimous. Carried.

No. 6796 – City of Niagara Falls – Area Variance, Site Plan Review

Request by Christopher Andrzejewski for the Planning Board to review an area variance request and site plan review for the construction of an 86 room Sleep Inn-Mainstay Hotel located at 9400 Niagara Falls Boulevard. An area variance is being requested to allow for 85 parking spaces whereas the zoning code requires 86 parking spaces. The property is 1.48 acres and is zoned C3, General Commercial. Christopher Andrzejewski was present to discuss the project. Mr. Andrzejewski informed the board that the vacant former restaurant was subdivided from the parcel and is not part of the project. The height of the proposed hotel will be 46.5'. There are no wetlands on the property and the stormwater management plan will incorporate subsurface drainage ponds. Existing public utilities will be utilized. Site access will be from Niagara Falls Boulevard. A motion for approval was made by Mr. Garrow and seconded by Mr. Ohol. Unanimous. Carried.

No. 6797 – Town of Cambria – Site Plan Review

Request by Cody Development 2 LLC for the Planning Board to review a site plan for the construction of a 2,400 sq. ft. addition to an existing structure which will be operated as a convenience store located at 5218 Upper Mountain Road. The required area variance was recommended for approval by the board in September 2021. The property is 0.93 acres and is zoned B-1, Light Retail Business. There was no representative present for the project. Ms. Fisk informed the board that the municipality resubmitted the referral because prior approval was based on a preliminary site plan. There have been no significant changes to the original submission. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6798 – City of North Tonawanda – Subdivision

Request by Thomas P. Batt for the Planning Board to review a request to subdivide 450 Sweeney Street into two parcels, one with an existing building and one a vacant lot. The property is 1.08 acres and is zoned R-C, Residence-Restricted Business. There was no representative present for the project. Ms. Fisk stated that there were no concerns regarding the subdivision of land. A motion for approval was made by Mr. Machelor and seconded by Mr. Carney. Unanimous. Carried.

No. 6799 – City of North Tonawanda – Area Variance, Site Plan Review

Request by DLV Properties LLC for the Planning Board to review a site plan and area variance request to allow for the construction of a 148,000 sq.ft. residential 5-story building with 111 units at 624 River Road. An area variance is needed to allow for a building height of 66' whereas the zoning code maximum building height allowed is 35'. The property is 4.97 acres and is zoned WD, Waterfront District. Brianne Frawley of DLV Properties and Mike Metzger, Engineer were present to discuss the project. Ms. Frawley noted that Phase I of the project has been approved and Phase II consists of the construction of 111 additional units. Each building will be 5-stories in height which will include 1st floor parking facilities. The height is consistent with existing 4-story buildings on the adjacent parcel. Ms. Frawley noted that they have been working closely with the North Tonawanda Brownfield Opportunity Area Program and are enrolled in the NYS DEC Brownfield Cleanup Program. Mr. Metzger stated that the current public utilities and sanitary system will be utilized. Sprinkler systems will be installed for fire suppression purposes. A motion for approval was made by Mr. Carney and seconded by Mr. Welka. Unanimous. Carried.

No. 6801 – Town of Newfane – Area Variance

Request by Nathan Vanderbeck for the Planning Board to review an area height variance for the construction of a 5' fence where 4' is allowed by town code located at 6233 Drake Settlement Road. The property is 2.2 acres and is zoned RR, Rural Residential. There was no representative present for the project. Ms. Fisk informed the board that the applicant constructed a fence without proper permitting and was ordered by a court of law to obtain formal approval. The fence has various heights that do not meet Town of Newfane code requirements and was constructed with the visually "good side" to the applicant. The board reviewed the condition of the adjacent parcel and noted that the fence is needed for screening. A motion was made by Mr. Garrow and seconded by Mr. Machelor to approve: 1.) A variance for fence height of 5' where 4' is allowed by code. 2.) Variance for fence height of 8' where 6' is allowed by code. 3.) Variance to allow the fence owner to keep the visually "good side". Unanimous. Carried.

No. 6802 – Village of Lewiston – Site Plan Review

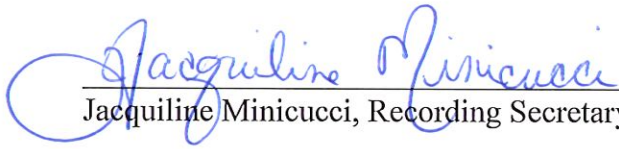
Request by Jim Fittante Architecture for the Planning Board to review a site plan for the construction of a medical quick care facility on a vacant lot located at 860 Center Street. The property is 0.84 acres and is zoned B-1 General Business. Jim Fittante, Architect was present to discuss the project. Mr. Fittante informed the board that improvements were made to the facade plans of the building as was requested by the Village so that the project better met the character of the neighborhood. There will be one entrance from Center Street and 33 proposed parking spots which meets code requirements. A lighting plan is being developed and no light will impact adjacent neighbors. Additional screening will be installed at the rear of the property and a retaining wall added on the west side of the parcel. The board discussed the need for a facility of this nature at the location. A motion for approval was made by Mr. Carney and seconded by Mr. Agronin. Unanimous. Carried.

4. *Old Business* – None

5. *New Business* – None

6. *Adjournment* – A motion was made by Mr. Carney and seconded by Mr. Agronin to adjourn the meeting at 2:59 p.m. Unanimous. Carried.

Respectfully submitted,



Jacqueline Minicucci, Recording Secretary