



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 One
Sanborn, New York 14132
Monday, May 15, 2023 – 2:00 p.m.

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

Members Absent: Michael Carney, Thomas Ohol, Jonathan Welka (Alt)

Staff Present: Nathaniel Bonafede, Amy Fisk

1. The meeting was called to order by Chairman Kibler at 1:59pm.
2. A motion was made by Mr. Garrow and seconded by Mr. Agronin to approve the April 17, 2023 meeting minutes. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).
3. Niagara County Planning Board Referrals

No. 6880 – Town of Newfane – Local Law Amendment

Request by the Town of Newfane for the Planning Board to review a new local law establishing restrictions for the creation and operation of all existing and future short term rental establishments in the Town of Newfane. James Sansone, Attorney for the Town of Newfane was present to discuss the amendment. Mr. Sansone explained that the law was developed to regulate existing short term rentals operating in violation of the Town's zoning ordinance, as well as to provide a set of regulations for any future short term rentals. Short term rentals will be limited to Agricultural Residential, Multi-family Residential, Village Business, and Marine Business districts and must obtain a special permit through the town planning board. Existing short term rentals can continue even if not in one of the designated districts. The Board noted potential concerns about not allowing short term rentals along the lakeshore which are predominantly in the single family zoning district. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. 7 Yes, 1 No (Agronin).

No. 6882 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 120 N. 7th Street (SBL # 101.11-1-53) from B-1, General Business to R-2, Residential Two-Family. The property is 0.34 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6883 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 140 N. 7th Street (SBL # 101-11-1-54) from B-1, General Business to R-2, Residential Two-Family. The property is 0.19 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6884 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 160 N. 7th Street (SBL # 101.11-1-55) from B-1, General Business to R-2, Residential Two-Family. The property is 0.16 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Collard and seconded by Mr. Agronin. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6885 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 170 N. 7th Street (SBL # 101.11-1-56) from B-1, General Business to R-2, Residential Two-Family. The property is 0.19 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6886 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 715 Onondaga Street (SBL # 101.11-1-57) from B-1, General Business to R-2, Residential Two-Family. The property is 0.43 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6887 – Village of Lewiston – Zoning Map Amendment

Request by the Village of Lewiston for the Planning Board to review a zoning map amendment request to rezone the parcel located at 725 Onondaga Street (SBL # 101.11-1-58) from B-1, General Business to R-2, Residential Two-Family. The property is 0.71 acres. There was no representative present for the project. Mr. Bonafede stated that the structure on the property is an occupied home, and that the village requested to rezone the property in order to preserve the residential district. The Board had no concerns. A motion for approval was made by Mr. Collard and seconded by Mr. Agronin. Mr. Machelor abstained. 7 Yes, 0 Noes, 1 Abstained (Machelor).

No. 6888 – City of Lockport – Use Variance, Area Variance & Site Plan Review

Request by D3 Lockport, LLC for the Planning Board to review a site plan, use variance and area variance request to allow for the construction of a 12,300 sq. ft. auto body repair shop located at 40-42 Ruhlmann Rd. The property is 2.37 acres and is zoned B-2, Central Business District. Kevin Leddy of Kimley-Horn and Gus Wilson of Caliber Collision were present to discuss the project. Mr. Leddy stated that development would take place on two parcels being acquired by the developer and the use variance is required since auto body

repair shops are not permitted in the B-2 district. It is consistent with surrounding development along the Transit Rd. corridor. The front parking lot will be used by customers and a landscape buffer will screen the property. Side and rear lots will be used by employees and for storage. A landscaping variance is required for the rear parking lot. The side and rear lots are enclosed by a 6' high fence with privacy slats. The board expressed concern over potential noise and light impacts on an adjacent home. Mr. Wilson stated that all work will take place indoors and proper screening measures and strategic light placement will be utilized to eliminate any negative impact on surrounding residences. A motion to approve was made by Mr. Machelor and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6889 – Town of Wheatfield – Zoning Text Amendment

Request by the Town of Wheatfield for the Planning Board to review a zoning text amendment for revision to Chapter 200 of the zoning code to add a new Article entitled Adult-Use Cannabis. Heike Jacob on behalf of the Town of Wheatfield was present to discuss the proposed law. Ms. Jacob stated that the proposed law is compliant with draft state regulations. Retail and on-site consumption operations will be allowed in the C-1, general commercial district with a special use permit. Businesses will be required to demonstrate proper security and odor control standards and will be required to obtain a special permit from the town in addition following all state licensing requirements. Drive through and walk-up facilities are prohibited. The board expressed concern over the placement of facilities in close proximity to residential areas abutting the town's commercial districts as well as the potential for impaired driving and other health and safety concerns. Ms. Jacob informed the board that the local law cannot be more restrictive than state regulations and the Town did not opt out or sale or consumption so regulations are needed. Mr. Garrow motioned for disapproval due to unresolved health and safety questions, seconded by Mr. Machelor. Unanimous. Carried.

No. 6890 – Town of Cambria – Area Variance, Special Permit & Site Plan Review

Request by Turner Properties Inc. for the Planning Board to review an area variance, special permit request & site plan to allow for the installation of a 250/50 kW, 176' in height, SIVA wind energy conversion system for on-site consumption located at 4935 Lockport Road. The property is 7.92 acres and is zoned B-2, General Business. Padma Kasthurirangan and Kelly Bucklaw of Buffalo Renewables were present to discuss the project. Ms. Kasthurirangan informed the board that the applicant operates a manufacturing facility on site and the property is divided into two separate parcels which will be amalgamated. The proposed turbine would be located on the back half of the property and will supply power to the building. Being over 100' in height, the proposed turbine is considered a commercial wind energy conversion system per Cambria town law, requiring area variances for side yard, rear yard setbacks and proximity to the building. Construction of a commercial wind energy conversion system is permitted in the B-2 district with a special permit. The board asked about potential impacts to air traffic. Ms. Kasthurirangan stated that the project was reviewed by the Federal Aviation Administration, who issued a determination of no hazard to air navigation. The project is located outside of the Niagara Falls International Airport protection zone. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Agronin. Unanimous. Carried.

No. 6891 – Town & Village of Wilson – Area Variance, Site Plan Review

Request by Wilson Harbor Place, LLC for the Planning Board to review a site plan and area variance request to allow for the construction of nine townhouse units located at 61-1 and 77 Harbor Street. The project resides 80% in the Town and 20% in the Village of Wilson. The combined acreage is 1.83 and is zoned WC 160, Waterfront Commercial 160. Terry Burton, project representative, was present to discuss the project. Mr. Burton stated that the project was previously reviewed and approved for variances and a special permit. The second step is site plan review and additional variances for height and setbacks. The proposed development will roughly use the same footprint as the existing building on site that will be demolished. The odd shaped property necessitates the setback variances. The building height variance is minimal. Robin Mignella, Town of Wilson Zoning Board was present and expressed concerns over setbacks, site access and emergency access. The Town and developer will work to address these concerns. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business - None
5. New Business - Mr. Bonafede informed the board of a potential training seminar taking place in Niagara County in the future and requested any topics of interest be shared with Planning Board staff.

Ms. Fisk informed the board of Orleans County's annual Training taking place on June 27, 2023 in Albion. The information flyer will be emailed when it is available.

6. Adjournment – A motion was made by Mr. Collard and seconded by Mr. Machelor to adjourn the meeting at 3:36pm. Unanimous. Carried.

Respectfully submitted,



Nathaniel Bonafede, Planner