



**NIAGARA COUNTY PLANNING BOARD**  
SAMUEL M. FERRARO CENTER FOR ECONOMIC  
DEVELOPMENT  
6311 INDUCON CORPORATE DRIVE  
SANBORN, NEW YORK 14132

**Joseph Kibler**  
**Chairman**

Phone: (716) 278-8750  
Fax: (716) 278-8757

**MEETING MINUTES**

**Niagara County Planning Board**  
**6311 Inducon Corporate Drive – Suite One**  
**Sanborn, New York 14132**  
**Monday, July 17, 2023 – 2:00 p.m.**

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

**Members Absent:** Michael Carney (Ex), Thomas Ohol, Mary Jo Tamburlin  
Jonathan Welka (Alt)

**Staff Present:** Nathaniel Bonafede, 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 June 19, 2023 meeting minutes.
3. Niagara County Planning Board Referrals

**No. 6896 – Town of Wheatfield – Site Plan Review**

Request by Bell Atlantic Mobile Systems LLC for the Planning Board to review a site plan for the installation of a new 32.5' utility pole with micro cell wireless telecommunications equipment on town owned property adjacent to 7507 Shawnee Road. The new pole will replace the current one located on site and will be operated by Verizon Wireless. The location is zoned M-1, Industrial-1 and is in the Niagara Falls Boulevard Overlay District. Jeff Twitty from Nixon Peabody was present to discuss the project. Mr. Twitty informed the board that the current utility pole is owned by Verizon NY and the replacement pole with new antenna is necessary to enhance coverage to its customers. The pole will be constructed on the same footprint and will not create any new hazards regarding the fall zone. There will be no impact to current utilities. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. 5 Yes, 0 No, 1 Abstain (Machelor). Carried.

**No. 6897 – Town of Lockport – Special Permit, Site Plan Review**

Request by Quattro Development, LLC for the Planning Board to review a site plan and special permit request to allow for the construction of a 1,610 sq. ft. one-story oil change service facility located at 5687 South Transit Road. The property is .50 acres and is zoned B-2, General Business & CCO, Commercial Corridor Overlay District. Sean Hopkins of Hopkins Sorgi & McCarthy PLLC and Rob Pidanic, Project Manager of Nussbaumer & Clarke, Inc. were present to discuss the project. Mr. Hopkins stated that the site was the location of a former Pizza Hut restaurant which will be demolished and replaced with the new 1,610 sq. ft. building. The special use permit is being requested to allow for the operation of an automotive facility. The existing curb cut on Transit Road will be utilized as the main entrance, a second new curb cut will be constructed off of Corwin Road and the existing curb cut at the rear of the property will be eliminated and

replaced with greenspace. All lighting, landscaping and storm water utilities will be installed per town code requirements. A motion of approval was made by Mr. Garrow and seconded by Mr. Collard. Unanimous. Carried.

**No. 6898 – Town of Lewiston – Site Plan Review**

Request by The Broadway Group, LLC for the Planning Board to review a site plan for the construction of a 10,640 sq. ft. retail Dollar General Store located at 2835 Saunders Settlement Road. The project site is 1.4 acres and is zoned B, Business. Deanna Hyche of the Broadway Group was present to discuss the project. Ms. Hyche informed the board that the 10,640 sq. ft. retail facility will have 8,522 sq. ft. of sales floor space and the remainder will be utilized for product storage. The Town of Lewiston Zoning Board of Appeals has previously approved a parking variance reducing the number of spaces to 35. West Street Elementary School is located across the street. The entrance will be located on Saunders Settlement Road and New York State Department of Transportation approval is pending. The firm is working with the Town of Lewiston to develop a plan to meet the rear setback requirements which may include the need to purchase additional land. A 6' fence will be installed on the West side of the property as screening for an adjacent residence. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Agronin. 5 Yes, 0 No, 1 Abstain (Machelor). Carried.

**No. 6899 – Town of Cambria – Area Variance, Special Permit, Site Plan Review**

Request by Crosslakes Fiber USA LLP for the Planning Board to review a site plan, area variance and special permit request to allow for the installation and operation of a less than 5,000 square foot, ground mounted, Tier II Solar Energy system in addition to the construction of an 11' x 37' In-Line Amplification shelter located at 5050 Lockport Junction Road. The property is 39.7 acres and is zoned AR, Agricultural and Residence. Allison Bartlett of Harter Secrest & Emmerly, Attorneys and Greg Soemann of Comtec WNY were present to discuss the project. Ms. Bartlett stated that the 4,992 sq. ft. solar array will be installed at the existing operation to increase fiber optic amplification in the area. One in-line amplification shelter already occupies the site. A second inline amplification shelter will be constructed which will house the battery backup system and two additional cooling units. Board members stated concerns regarding noise from the new units. Mr. Soemann informed the board that all setback requirements have been met and the project is currently fenced in with additional landscape screening. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow. Unanimous. Carried.

**No. 6900 – Town of Cambria – Site Plan Review**

Request by Parkhill Tree & Land Management LLC for the Planning Board to review a site plan for the construction of a 6,576 sq. ft. office and storage building located at 5073 Saunders Settlement Road. The project site is 3.5 acres and is zoned B-2, General Business. Timothy Arlington of Apex Consulting was present to discuss the project. Mr. Arlington informed the board that the 3.5 acre parcel was subdivided from a larger parcel. The developer will utilize 6,000 sq. ft. of building space to store equipment indoors and 576 sq. ft. as an office. Larger equipment will be stored at the rear of the facility. The existing entrance from Saunders Settlement Road will be utilized. There will not be any retail sales on the premises. The property has existing natural screening. An underground water retention system will be installed and a sand filter system design is currently under review by the Niagara County Health Department. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6901 – City of Lockport – Area Variance, Site Plan Review**

Request by Spalding Hardware for the Planning Board to review a site plan and area variance request to allow for the construction of a 3,146 sq. ft. addition to the existing Ace Hardware retail store located at 215 Davison Road & 789 Walnut Street. The property is 1.01 acres and is zoned B-1, Neighborhood Business. Timothy Arlington of Apex Consulting was present to discuss the project. Mr. Arlington stated that the current business owns the adjacent residence and plans to demolish the structure and combine the parcels. The project addition will increase the retail space and create a new shipping and receiving area in the rear of the building. The existing curb cut entrance will be utilized and the new receiving area will improve the impact to traffic on the

street. A parking variance has been requested to reduce the number of stalls from 61 to 35, an area variance to increase the lot coverage size to 35% where 30% is allowed, and a rear yard setback reduction to 17' where 30' is required by code. A privacy fence will be installed for the adjacent neighbor. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

#### **No. 6902 – Town of Porter – Zoning Text Amendment**

Request by the Town of Porter for the Planning Board to review a zoning text amendment repealing and replacing in its entirety Chapter 200, Section 200-122, Definitions, Short-Term Rental Homes of the Code of the Town of Porter. Peter Jeffery, Town of Porter Code Enforcement Officer was present to discuss the referral. Mr. Jeffery stated that the Town of Porter developed the amendments after obtaining public input. There was no change to the codes definition. Mr. Jeffrey highlighted some changes to the code including only allowing single-family homes to operate as a STR, the creation of an application and registration process prior to operation, a requirement that the property manager must live within 30 miles of the rental property and have a Hold Harmless agreement in place, and extending the violation period from 6 to 12 months with an increase in fines for violators. Mr. Machelor asked if there is a limit on the number of operations that will be allowed in the town stating that too many may become a problem for permanent residents. Mr. Jeffrey stated that the town has no plans to put a limit in place. A motion of approval was made by Mr. Sobczyk and seconded by Mr. Agronin. 4 Yes, 1 No (Machelor), 1 Abstain (Collard). No action was taken by the board due to lack of quorum.

#### **No. 6903 – Town of Lockport – Zoning Text Amendment, New Local Law, New Zoning Ordinance**

Request by the Town of Lockport for the Planning Board to review a zoning text amendment, new local law & new zoning ordinance repealing and replacing in its entirety Article XXIX of the Zoning Code – Solar Energy Systems. Thomas Seaman, Town of Lockport Attorney was present to discuss the referral. Mr. Seaman informed the board that the moratorium on solar energy systems has been lifted and the town has developed a new zoning code with stricter regulations. Some changes were highlighted to include allowing structure mounted and/or building integrated systems in all use districts of the town, new height limits and setbacks have been defined, new special permit requirements for utility scale systems, cannot be installed on more than 50% of prime farmland, further defining regulations for screening, maintenance, and decommissioning. A motion for approval was made by Mr. Garrow and seconded by Mr. Sobczyk. Unanimous. Carried.

#### **No. 6904 – City of Lockport – Area Variance, Use Variance & Site Plan Review**

Request by Hanan Samuel of Paramount Hospitality, LLC for the Planning Board to review a site plan, area variance and use variance request to allow for the construction of a two-story, 3,368 sq. ft. mixed-use building with commercial business-retail space and loft apartment units located at 177 Davison Road. The parcel is .436 acres and is zoned B-1, Neighborhood Business. Thomas Shelberg, project manager and Hanan Samuel, owner, were present to discuss the project. Mr. Shelberg stated that the 2-story building will be mixed use with commercial space on the first floor and two loft apartments on the second floor. Two use variances are required, one to allow the commercial space to be used for professional offices and another to allow for residential use. Also required is an area variance to allow for a two story building. Two new curb cut entrances will be installed on Bonner Drive and Davison Road. There is existing landscape screening for adjacent neighbors at the rear of the property. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Machelor. Unanimous. Carried.

#### **No. 6905 – Town of Somerset – Area Variance, Special Permit & Site Plan Review**

Request by Nova and Angela Popovich for the Planning Board to review a site plan, area variance, and special permit request to allow for the construction of a detached 1,600 sq. ft. metal building for use as an ice cream stand located in front of the front building line located at 9848 Lower Lake Road. The property is 2.6 acres and is zoned A, Agriculture. Nova Popovich was present to discuss the project. Mr. Popovich stated that he currently resides on the property which is in a rural location across the street from the entrance to Golden Hill State Park. The proposed site was a former restaurant and he would like to construct a seasonal ice cream

stand. An area variance is required to allow for the construction of an accessory building in front of the front building line. There will be approximately 15-20 parking stalls in the front of the building which is set back 60' from the right of way. Existing site utilities will be utilized. Signage will be only be used seasonally when in operation. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Agronin. Unanimous. Carried.

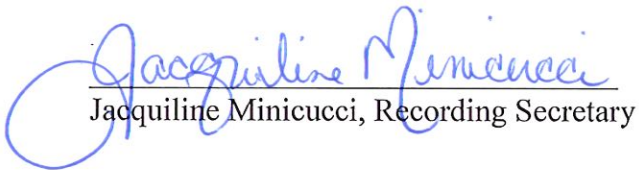
4. Old Business - None

5. New Business –

- a. Mr. Bonafede informed the board that the Department of State has set a training date for Tuesday, October 24, 2023. Topics TBA

6. Adjournment – A motion was made by Mr. Collard and seconded by Mr. Agronin to adjourn the meeting at 3:16 p.m. Unanimous. Carried.

Respectfully submitted,

  
Jacquiline Minicucci, Recording Secretary