



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 100
Sanborn, New York 14132
Monday, November 21, 2022 – 2:00 p.m.

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

Members Absent: Michael Carney, Thomas Ohol, 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. Garrow and seconded by Mr. Agronin to approve the October 17, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6853 – Town of Niagara – Zoning Map Amendment, Site Plan Review

Request by Uniland Development for the Planning Board to review a site plan and zoning map amendment (From R-3 to LI) to allow for the construction of a 150,000 sq. ft. single-story industrial building to be built in phases located at 3401 Military Road. The property is 25.5 acres and is zoned R-3 Multiple-Family Residential. Kevin Kirk of Uniland was present to discuss the project. Mr. Kirk informed the board that the rezoning is needed to allow for an industrial manufacturing and distribution operation. The project will be completed in phases. Phase I will consist of the construction of a 75,000 sq. ft. single-story building. The facility will have two entrances from Military Road and Woodside. Truck traffic will utilize the Military Road entrance. Mr. Kirk stated that local residents voiced concerns regarding impact to the traffic in the area, therefore a traffic study is being completed. Phase I parking will consist of 87 spaces followed by 93 spaces in Phase II which meets code requirements. Truck trailer parking may be required in the future but is not part of Phase I construction. There will be approximately 50 employees and the business hours of operation will be 9am-5pm. Existing utility infrastructure will be utilized. There are wetlands on the property and the plan is under review by the DEC. A 60ft. setback with existing landscaping will be used as a buffer to adjacent residents. The board noted that the surrounding zoning is all residential and an industrial use in the area presents concerns of spot zoning. Several board members also noted concerns regarding the impact to residents in the area and asked Mr. Kirk if alternative sites have been reviewed. Mr. Kirk stated that Uniland is seeking the development because they currently own the property. Board members noted that there is no representation of a hardship because the property was purchased with knowledge of the residential zoning. Board members noted concerns that the project is not commensurate with the Town of Niagara's comprehensive plan and will have a direct impact to adjacent residents. A motion for denial was made by Mr. Garrow and seconded by Mr. Machelor due to spot zoning concerns and traffic impact to the neighborhood. Unanimous. Carried.

No. 6854 – Town of Cambria – Zoning Map Amendment

Request by Niagara County for the Planning Board to review a zoning map amendment to allow for the development of a business park located at 5058 Junction Road. The property is 60 acres and is zoned AR, Agricultural and Residence. Andrew Reilly of Wendell Engineering was present to discuss the project. Mr. Reilly stated that the zoning map amendment is required to allow for the development of the parcel and the area is identified in the Town of Cambria's comprehensive plan as a corridor for economic development. Niagara County Sewer District is working in conjunction with Lockport to develop an infrastructure plan. Existing water, electric, and gas utilities are currently accessible. A traffic impact statement has been completed and meets the needs for the number of users. The Town of Cambria will be reviewing the P-D, Planned Development district zoning to determine what types of business will be allowed to operate in the zone. A positive SEQR has been obtained and an environmental impact statement will be completed. Existing wetlands will not be disturbed and will act as a landscaping screen to adjacent neighbors. A motion for approval was made by Mr. Agronin and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6855 – Town of Pendleton – Site Plan Review

Request by West Herr Subaru for the Planning Board to review a site plan for the construction of a 27,041 sq. ft. car dealership with 404 vehicle parking spaces located at 6856 S. Transit Road. The property is 16.5 acres and is zoned CO2, Medium Commercial. Robert Pidanick of Nussbaumer & Clarke was present to discuss the project. Mr. Pidanick informed the board that the project will develop 8 acres of the 16 acre parcel to construct the 27,041 sq.ft. retail car sales facility with parking for 404 vehicles. A traffic study has been completed and the existing entrances will be utilized. One entrance will be improved and made into a right-turn only lane onto Transit Road for traffic safety. The plan has obtained Department of Transportation approval. There are existing wetlands on the property and there will be some development in the buffer area. A negative SEQR has been received and State Preservation has issued approval. A stormwater detention pond will be utilized for drainage and delineation has been approved by DEC. Existing utility infrastructure will be utilized. There are no concerns regarding access for fire safety equipment. A landscaping plan is in place which includes dark sky compliant lighting. There are two existing baseball diamonds on the property. One diamond will be removed and the other will remain to be maintained by the developer. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 6856 – Town of Cambria – Area Variance

Request by James Schultz and Danielle Borzilleri for the Planning Board to review an area variance request to allow for the installation of a swimming pool in the side yard of a corner lot located at 4860 Baer Road. The property is 1.08 acres and is zoned AR, Agricultural and Residence. There was no representative present for the project. Mr. Bonafede informed the board that the project was referred due to its location on a corner lot and that it is not an allowed use in a side yard per town code. The board reviewed the parcel site and had no concerns. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6857 – Town of Cambria – Site Plan Review

Request by Niagara County Community College for the Planning Board to review a site plan for the construction of a 2-story, 15,612 sq.ft. Niagara County Law Enforcement Academy located at 3111 Saunders Settlement Road. The project area is 0.75 acres of a 268 acre parcel and is zoned AR, Agricultural and Residence. Kristopher Winkler of Labella Associates and Wayne Lynch, NCCC VP of Operations were present to discuss the project. Mr. Lynch informed the board that the project is a coordination between the Niagara County Sheriff's and Niagara Falls Police Departments to develop a law enforcement training and education facility. Mr. Winkler stated that the 2-story, 15,612 sq.ft. building will be constructed on an area of the campus closest to the Townline Road entrance. Existing roadways, parking and utility infrastructure will be utilized with minimal impact to current traffic. There are no wetlands on the project site. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6858 – City of Niagara Falls – Site Plan Review

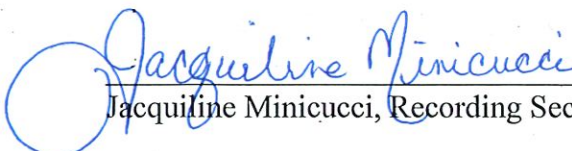
Request by Richard Ries of e2i for the Planning Board to review a site plan for the construction and operation of two Tier 3 ground mounted solar projects to be completed in phases. Phase I is a 698.4kw AC and Phase II is 1.42Mw AC located at 4214, 4110 Highland Avenue. The property is 6.69 acres and is zoned, I1, Business Park. Richard Ries and Adam Cerbert were present to discuss the project. Mr. Ries informed the board that Phase I is a remote net metering project that will create power for two Niagara Falls apartment buildings, and Phase II is a community solar project. The solar arrays will be constructed on an old landfill site and DEC has approved the project. There will be no impact to the cap of the landfill and the project will be monitored by DEC. The area has been targeted by Niagara Falls for development and is zoned properly. The existing electrical infrastructure is adequate to accommodate the project. Additional transformers will not be required. There is minimal site work required and an existing landscape berm will be utilized for screening purposes. The developer has been meeting with adjacent residents to develop a plan to address setback, landscape screening and noise concerns. A 7ft. fence will be installed and the parcel has dense vegetation which will act as a buffer for the neighbors to the rear of the property. All setback requirements have been met. Recycling and decommissioning plans are in place. Traffic will only increase during construction and then decrease thereafter. There will not be any battery storage on site. The community solar project will allow local residents to obtain a discount on their utility bill. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Unanimous. Carried.

No. 6859 – City of Niagara Falls – Site Plan Review

Request by Richard Ries of e2i for the Planning Board to review a site plan for the construction and operation of two Tier 3 ground mounted solar projects to be completed in phases. Phase I is 720kw AC and Phase II is 1.42 Mw AC located at 1524 Pennsylvania Avenue and 1530 Delaware Avenue. The property is 6.01 acres and is zoned I1, Business Park. Richard Ries and Adam Cerbert were present to discuss the project. Mr. Ries informed the board that Phase I is a remote net metering project that will create power for two Niagara Falls apartment buildings, and Phase II is a community solar project. The area has been targeted by Niagara Falls for development and is zoned properly. The existing electrical infrastructure is adequate to accommodate the project. Additional transformers will not be required. There is minimal site work required and dense vegetation exists which will be utilized as screening to adjacent neighbors. Mr. Garrow noted that during colder months, the deciduous vegetative screening will not be as effective. The board suggested possibly installing slat fencing or plant evergreen trees in a zig-zag format to enhance screening. All setback requirements have been met. Recycling and decommissioning plans are in place. There will not be any battery storage on site. The community solar project will allow local residents to obtain a discount on their utility bill. A motion for approval with the recommendation to enhance landscape screening for adjacent residents with trees and fencing and that Niagara Falls act as lead agency for SEQR was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

4. *Old Business* – None
5. *New Business* – None
6. *Adjournment* – A motion was made by Mr. Collard and seconded by Ms. Tamburlin to adjourn the meeting at 3:25 p.m. Unanimous. Carried.

Respectfully submitted,


Jacqueline Minicucci, Recording Secretary

