



## 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, May 16, 2022 – 10:30 a.m.

Webex Option:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=ma4791e6206127da74ead7989d31f95bc>

**Members Present:** Bill Agronin, Michael Carney (Via Webex), J. Anthony Collard, Walt Garrow, Joseph Kibler (Via Conf Call), Norman Machelor, Thomas Ohol, James Sobczyk (Via Webex), Garret Meal (Ex Officio Via Webex)

**Members Absent:** Mary Jo Tamburlin, Jonathan Welka (Alt),

**Staff Present:** Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Vice Chairman Garrow at 10:31 a.m.
2. A motion was made by Mr. Agronin and seconded by Mr. Machelor to approve the April 18, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

#### **No. 6810 – Town of Wheatfield – Site Plan Review**

Request by Health Management Group for the Planning Board to review a site plan for 6301 Inducon Corporate Drive for the construction of a 4,000 sq. ft. retreat and training facility as part of the Horizon Village campus. The property is 7.1 acres and is zoned M-1, Light Industrial. Donald Will of Health Management Group was present to discuss the project. The facility will be used for patient retreats and meetings purposes. The 2-story building will consist of meeting spaces, a lounge and dining room area. The building will be an extension of an existing 125-bed substance abuse treatment facility and will be utilizing the existing utilities and drainage system. The plan includes landscaping improvements and meets all zoning requirements. The board had no concerns. A motion for approval was made by Mr. Agronin, seconded by Mr. Machelor. 6 Yes, 0 Noes, 1 Abstention (Garrow). Unanimous. Carried.

#### **No. 6811 – Town of Lewiston - Site Plan Review, Special Permit**

Request by Niagara University for the Planning Board to review a site plan and special permit for 5759 Lewiston Road for the construction and operation of a 4 MW ground mounted solar energy facility. The property is 17 acres and is zoned RR, Rural Residential. Chris Leardini, Katie Soscia, Dan McMann and Jess Fuchs were present to discuss the project. Ms. Soscia stated that an area variance request was previously recommended for approval by this board and the developer is now seeking site plan and special permit approval. There will be no disturbance to existing wetlands and several landscaping improvements have been added to the original plan with the addition of decorative areas and visual screening. Ms. Fuchs

noted that the energy production is for campus use only. Ms. Fuchs informed the board that all utility infrastructure will be underground with the exception of three above ground poles and a conductor system that will be installed on a 15 x 15 cement pad which does not require any ground excavation. There is no on-site battery storage. Existing access roads will be utilized and there will be increased traffic during construction but no impact to traffic after the installation is completed. A 6' double-swing gate will be installed in the northwest corner of the parcel to allow for better fire safety access. A decommissioning and panel recycling plan is in place. The project is commensurate with the surrounding area which is zoned Heavy Industrial. A motion for approval was made by Mr. Agronin and seconded by Mr. Kibler. 6 Yes, 0 Noes, 1 Abstention (Machelor). Unanimous. Carried.

**No. 6812 – Town of Cambria – Zoning Text Amendment**

Request by the Town of Cambria for the Planning Board to review a zoning text amendment for the adoption of a new Battery Energy Storage System Law. There was no representative present for the project. Ms. Fisk informed the board that the new law was developed from the New York State model law with some additional requirements. The town law defines a 3-Tier system. Tier 1 includes systems equal to or >60kWh, Tier 2 systems are <60KW but with restrictions. Tier 3 includes any other systems not defined in Tier 1 & Tier 2 but are limited to 1MW total. All systems have a 45 decibel noise threshold. Installation of new systems will require a public hearing and notification to any neighbors within 600' of the project. Project approvals are only valid for 12 months. There is a 10' height restriction. Town inspections will be conducted during construction. All systems will require fire department review. Enhanced recycling regulations are included as well as the requirement for a decommissioning plan. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6813 – Town of Lockport – Site Plan Review**

Request by Cornerstone Community FCU for the Planning Board to review a site plan for 5810 South Transit Road to renovate the existing 5,500 sq. ft. building into a new Cornerstone Community Federal Credit Union and to construct a new 3,000 sq. ft. teller building. The property is 3.65 acres and is zoned B-2, General Business with Commercial Corridor Overlay. Ivan Garcia, architect, was present to discuss the project. Mr. Garcia stated that the developer isn't making any changes to the existing building footprint. The existing building will be renovated into a branch for walk in customers and a new building will be constructed that will have a 4-lane drive thru consisting of 3 service lanes and 1 ATM. The existing access will be utilized and two more curb cuts will be added. Mr. Agronin noted that traffic on Strauss Road is heavy and asked about how the project will impact that further. Mr. Garcia stated that a barricade will be installed to help avoid congestion with the adjacent Tim Hortons operation. A landscape plan is in place. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Unanimous. Approved.

**No. 6814 – Town of Lockport – Site Plan Review**

Request by Severyn Development for the Planning Board to review a site plan for 1100 Beattie Avenue for the development of a 14-lot single family home subdivision. The property is 5.4 acres and is zoned R-1, Single Family Residential. Tim Arlington of Apex Engineering was present to discuss the project. Mr. Arlington stated that the single-family subdivision will be constructed adjacent to an existing similar complex so it is commensurate with the surrounding area. The subdivision is approximately 120' from existing baseball diamonds and a berm with additional landscaping will be installed. Existing water and sewer utility infrastructure will be utilized. A stormwater management plan includes a detention pond with a separator unit which will empty into Donner Creek. There will be no impact to the floodplain. There are existing fire hydrants on Beattie Avenue. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6815 – Town of Newfane – Site Plan Review**

Request by David Hedley for the Planning Board to review a site plan for 5829 Ontario Street in Olcott for the construction of the Olcott Harbor Center, a new 2-story hotel with retail, restaurant and conference center. The property is 0.75 acres and is zoned MB, Marine Business. Tim Arlington of Apex Engineering was present to discuss the project. Mr. Arlington stated that the project will be constructed in two phases. Phase I will include a 4 room 2-story hotel, retail, conference and restaurant spaces. Phase II will include an additional 8 hotel rooms and the construction of a pavilion overlooking Lake Ontario. There is a private boat launch on the property and some improvements will be made to the existing boat slips. Public access will still be granted to the East Pier. The property is currently asphalt and gravel. Due to recent shoreline improvements the property is 2' above the 100 yr. floodplain level. The existing utility infrastructure will be utilized and a gravity fed sewer system will be installed. Site access will be from Ontario Street. A sprinkler system will be installed for fire safety. Lighting and landscaping improvements will be made. A motion for approval was made by Mr. Collard and seconded by Mr. Sobczyk. Unanimous. Carried.

**No. 6816 – City of North Tonawanda – Site Plan Review**

Request by Frank Cefalu for the Planning Board to review a site plan for 151 Division Street to demolish the existing structure and construct a 4-unit residential apartment. The property is 0.27 acres and is zoned C-1, Commercial. Frank Cefula and Jeff Palumbo of Barclay Damon were present to discuss the project. Mr. Cefula stated that an existing structure will be renovated and the new 4-unit residence will consist of two 2-bedroom and two 1-bedroom units. All setbacks have been met. Three parcels of land have been consolidated to allow for future development. The segmented SEQR will require additional board approval for any future construction not covered in this referral. A motion for approval was made by Mr. Machelor and seconded by Mr. Agronin. Unanimous. Carried.

**No. 6817 – Town of Cambria – Area Variance**

Request by Cody Development 2 LLC, for the Planning Board to review an area variance request for 3911 Ridge Road to reduce the number of parking space from 72 to 35 for a 10,640 sq.ft. retail store. The property is 2.4 acres and is zoned B-2, Business. Tara Bennett of the Broadway Group on behalf of Cody Development 2 was present to discuss the project. Ms. Bennett stated that the 10,640 sq.ft. Dollar General Store will be constructed on 2.4 acres of a 39 acre parcel. Ms. Bennet stated that the variance requested is to reduce the number of parking spaces required from 72 to 35. A study was conducted of Dollar General Stores nationwide and the results shows that customer traffic flow is significantly less than other big box stores, therefore the number of spaces requested is more than sufficient. Public utilities will be utilized and a septic system will be installed. A stormwater management plan is in place and there will be no wetland disturbance. Setbacks were increased from adjacent residential properties. A motion stating that the project has no significant inter-municipal or county-wide impact was made by Mr. Machlor and seconded by Mr. Collard. Unanimous. Carried.

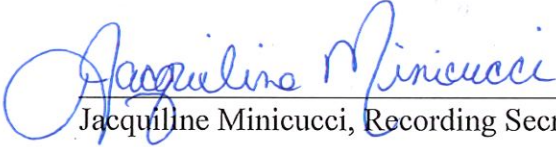
4. *Old Business* – None

5. *New Business* –

- a.) Ms. Fisk informed the board that an in-person training is being held in Orleans County on June 29, 2022 at the Albion Public Library. Board members will receive registration information via email.
- b.) Ms. Fisk requested that the board consider rescheduling the August 15th board meeting to August 8, 2022 @ 2 pm due to shortage in staffing. The board approved the new date. Municipalities will be informed of the new meeting date and project referral deadline.

6. *Adjournment* – A motion was made by Mr. Carney and seconded by Mr. Kibler to adjourn the meeting at 11:49 p.m. Unanimous. Carried.

Respectfully submitted,

  
Jacquiline Minicucci, Recording Secretary