



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, July 18, 2022 – 2:00 p.m.

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

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

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 June 20, 2022 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6836 – City of Niagara Falls – Zoning Text Amendment

Request by the City of Niagara Falls for the Planning Board to review a zoning text amendment to create a High Energy Usage Overlay District. Christopher Mazur, Attorney and Eric Cooper Planning Director, of the City of Niagara Falls were present to discuss the proposed zoning text amendment. Mr. Cooper informed the board that the ordinance would create definitions relating to data centers, cannabis cultivation and crypto currency mining by creating an overlay district to regulate these high energy uses. These uses would require conformance to the new regulations, site plan approval and will only be allowed in the I-1 and I-2 Industrial districts. Mr. Garrow inquired how the new district would impact current high energy users and if it effects the use of low cost energy supplied by the New York Power Authority. Mr. Cooper stated that there would be no additional regulation or impacts to other high energy users that are not specifically defined in the new ordinance. Ms. Fisk suggested language to this affect be added to the ordinance because it is important not to impact current or future high energy users outside the three specified uses. Mr. Machelor asked how noise will be regulated. Mr. Cooper stated that noise guidelines pertaining to the allowed decibels and the form of measurement is included in the ordinance. Businesses are allowed to operate 24/7 but noise levels will be regulated based on the time of day. Mr. Garrow noted that decibel exchange rates vary and the quality of the dba needs to be specified. A motion to approve with the recommendations that additional language be added to ensure new and existing high energy business are not impacted unless they fall into the three stated categories of uses and to provide more specific language regarding dba noise levels was made by Mr. Collard and seconded by Mr. Garrow. Unanimous. Carried.

No. 6837 – City of North Tonawanda – Site Plan Review

Request by CityScape Property Management, Inc. for the Planning Board to review a site plan for the construction of two 4-unit and one 3-unit apartment buildings located at 151 Division Street. The property is 0.28 acres and is zoned C-1, Neighborhood Business. Frank Cefula, Owner and Jeffrey Palumbo, Attorney (via Webex) were present to discuss the project. Mr. Palumbo stated the board previously approved a 4-unit apartment building at the site and 7 additional units are being proposed for a total of 11 apartments on the property. Area variances for setbacks will be required and review is pending with the City of North Tonawanda. Ms. Fisk noted that the Intermunicipal Agreement with the City of North Tonawanda exempts most area variances from needing County Planning Board review. Access will be from Division Street. A motion for approval was made by Mr. Carney and Mr. Agronin. Unanimous. Carried.

No. 6838 – City of North Tonawanda – Site Plan Review

Request by CityScape Property Management, Inc. for the Planning Board to review a site plan for the construction of a 3-unit apartment building located at 518 E. Goundry Street. The property is 0.20 acres and is zoned C-1, Neighborhood Business. Frank Cefula, Owner and Jeffrey Palumbo, Attorney (via Webex) were present to discuss the project. Mr. Palumbo stated the 3-units are part of the larger project located on Division Street. Entrance will be from Goundry Street with an adjoining driveway for access to the other units located on Division Street. A motion for approval was made by Mr. Carney and seconded by Mr. Ohol. Unanimous. Carried.

No. 6839 – Town of Lockport – Local Law

Request by the Town of Lockport for the Planning Board to review a local law extending the moratorium on Utility Solar projects for an additional 6 months. Thomas Seaman, Town of Lockport Attorney was present via Webex to discuss the project. Mr. Seaman informed the board that two, six month moratoriums were approved and the Town is requesting another six month extension. There is currently a project in process that is not impacted by the moratorium. There are no other pending solar projects. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

No. 6840 – City of Niagara Falls

Request by Jerry Noworyta for the Planning Board to review an area variance request to allow for the removal of the existing 8'x12' pole sign and replace with a new 4.5'x 8' pole sign at the existing Red Carpet Inn at 6625 Niagara Falls Boulevard. The sign area will be reduced from 96 sq.ft. to 36 sq.ft. and the height reduced from 24' to 15'. Maximum sign area is 20 sqft. so a 16 sq.ft. variance is requested. The property is 0.68 acres and is zoned C-3, General Commercial. There was no representative present for the project. Ms. Fisk informed the board that the owner is proposing to replace an existing sign with a smaller, more visually appealing unit. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. Unanimous. Carried.

No. 6841 – Town of Cambria – Site Plan

Request by CALF Development Associates, LLC for the Planning Board to review a site plan for the construction of a 110,000 sq. ft. building to be utilized for light manufacturing, warehousing, and distribution located at 5274 Lockport Junction Road. The property is 17 acres and is zoned I, Industrial. Mike Lorenzo on behalf of CALF Development was present to discuss the project. Mr. Lorenzo stated that 17 acres of the 20 acre vacant parcel will be developed. Trek Manufacturing will retain 210 current employees with the creation of 100 new jobs for the expansion. The facility will utilize two entrances off of Lockport Junction Road. Trucks will utilize the north entrance to access two loading docks on the side of the building and employees will access the property from the south entrance. There will be 200 parking spaces which meets code requirements. Electric charging stations will be available for vehicles. The parcel was previously used for agricultural purposes but there are no prime soils located on the property. The Tennessee Gas Pipeline, which is in the vicinity of the property, will not be impacted. There are no variances required. The project is commensurate with the industrial zoning for the area. A motion for approval 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. Machelor and seconded by Mr. Collard to adjourn the meeting at 2:32 p.m. Unanimous. Carried.

Respectfully submitted,


Jacquiline Minicucci, Recording Secretary

