



**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 One**  
**Sanborn, New York 14132**  
**Monday, May 19, 2025 – 2:00 p.m.**

**Members Present:** William Agronin, J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, Mary Jo Tamburlin, James Sobczyk, Garret Meal (Ex-officio)

**Members Absent:** Michael Carney, Thomas Ohol

**Staff Present – Nathaniel Bonafede**

1. The meeting was called to order at 1:59pm.
2. Approval of the April 21, 2025 meeting minutes - A motion for approval was made by Mr. Machelor and seconded by Mr. Garrow. Unanimous. Carried.
3. Niagara County Planning Board Referrals

**No. 6987 – Town of Cambria – Site Plan Review**

Request by Robert Laubacker for the Planning Board to review a Site Plan to allow for the construction of an office building and shop relative to the operation of a light industrial business on Lockport-Junction Road. The project involves the construction of a 6,000sf warehouse and 3,360sf office style structure for use by a construction company, as well as up to three additional structures containing small office and storage spaces to be rented out. The property is 7.4 acres and is zoned I-1 Industrial. Robert Laubacker, Applicant, was present to discuss the project. Mr. Laubacker identified the location of the property. It is a currently undeveloped parcel located on Junction Road, north of State Route 31. He went on to provide a brief overview of his company; a construction company specializing in the construction of veteran's cemeteries with various projects throughout the country. . This location will serve as its headquarters in the Buffalo area. The company will operate out of the 40' x 60' office space and store equipment in the 60' x 100' warehouse. Mr. Garrow inquired about the storage. Mr. Laubacker responded that he plans to store heavy equipment and construction materials. The board inquired about surrounding uses. Mr. Laubacker identified various industrial businesses in the area, as well as the National Grid utility line located directly south of the property. Mr. Sobczyk asked about the small office and storage spaces at the front of the property. Mr. Laubacker explained that the three 60' x 120' buildings will contain six office units each. He plans to rent these units to small businesses. The project is permitted in the I-1 district. The project will connect to Town of Lockport water lines. Mr. Bonafede noted recent changes to State wetland regulations, and advised the applicant to ensure no newly regulated wetlands exist on the property prior to development. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6988 – City of Lockport – Minor Subdivision, Area Variance**

Request by Robert Soemann and Second Niagara, LLC for the Planning Board to review a minor subdivision and area variance request for the 8.89 acre property at 616 West Avenue. The property is to be subdivided into two separate parcels. The northern parcel will contain the existing multi-commercial operation located on the site, and the southern parcel will continue to be used for self-storage and automotive service. Four area variances are required in order to bring the existing buildings into conformance with City Code. The property is zoned GI – General Industrial. Michael Nisengard of Lippes Mathias LLP was present to discuss the project. Mr. Nisengard explained that the property's current owner, who operates the self-storage facility and rents to the other two businesses, wishes to subdivide the northern section of the property containing the multi-commercial operation and sell it to the owner of the operation. The board noted that requested subdivision will create a landlocked southern parcel. The board asked about access rights. Mr. Nisengard



explained that an easement granting access to the southern parcel from West Avenue will go into effect upon closing. The easement will supplement three separate existing deeds which provide access rights benefitting the southern parcel. The easement will be wide enough to accommodate emergency vehicles, and will also provide for utility access. As a result of the subdivision, four area variances required: (1) side yard setback on northern parcel (30' required; 11.8' requested); (2) front yard setback on southern parcel (70' required; 26.02' requested with a note that the existing structure is 230' from West Avenue); (3) southern parcel no frontage (landlocked parcel); (4) sign variance (related to a sign located off premise from the structure it serves). Mr. Nisengard noted that the request does not involve any physical changes to the property. A motion for approval was made by Mr. Agronin and seconded by Ms. Tamburlin. Unanimous. Carried.

#### **No. 6989 – Town of Niagara – Site Plan Review, Special Use Permit**

Request by Carson Power for the Planning Board to review a Site Plan and Special Use Permit to allow for the construction of a 10 Megawatt Tier 4 community solar project on multiple properties located at 8924A Military Road. The project covers 36.71 acres and the site is zoned B-1 General Commercial and R-1 One Family Residential. Erik Anderson and Vardaan Gurung of Carson Power and Matthew McKrell of Erdman Anthony were present to discuss the project. Mr. Anderson identified the location of the project, which is directly south of the Niagara Falls International Airport and Niagara Falls Air Reserve Station airfield and north of Porter Road near Tuscarora Road. He explained that the project will be developed on three separate parcels owned by two different private entities. They will be leasing land on two parcels, and will purchase the third. In addition to site plan approval, the applicant requests Special Use Permit approval with Town Board waivers of the following SUP criteria:

- § 245-83(d): Restriction of Tier 4 Solar Energy Systems from locating within the R-1 zoning district. The applicant is proposing the development of a Tier 4 Solar Energy System on properties zoned R-1.
- § 245-86(d)(1): Minimum 200' setback from the boundary of a nonparticipating parcel. The applicant requests the 200' setback requirement from nonparticipating parcel 146.13-1-9.2 be reduced to 100', and the 200' setback requirement from nonparticipating parcel 146.01-1-10 be reduced to 25'.
- § 245-86(d)(4): Minimum 500' setback from public roads. The applicant requests the setback requirement be reduced to 50' from Tuscarora Road and 100' from Porter Road.

Board members noted the project's significant encroachment on required setbacks and its location within 25' of airport property. A discussion regarding the applicants' use of Special Use Permit waivers rather than requesting variances ensued. Board members expressed concern over the apparent lack of zoning board involvement in the review process given the setback encroachments. The applicants commented that they believe they are operating within the requirements of Town Code, as a clause exists within the code that gives the Town Board authority to waive Special Use Permit criteria. They added that they do not expect the proposed setbacks to cause an issue. Discussions with the Town Planning Board indicated that concerns regarding the setbacks have been addressed. Mr. Machelor stated the Zoning Board should be involved in that determination. Mr. Sobczyk asked about project screening. Mr. Anderson replied that evergreen trees will be installed and at maturity will be approximately eight feet tall. Additionally, a seven foot fence will be erected and shrubbery will be added. No berm is proposed. A discussion regarding screening ensued, and board members voiced concern that the proposed screening may not fully block view of the project from Porter Road and area residences. Mr. Garrow had concerns regarding the project's proximity to the airbase. The possibility of fires, as well as electromagnetic interference that could result from a solar project being located next to the base were cited. The applicants explained that comments from the Town Fire Chief were received and have been addressed in the site plan. An onsite fire suppression system is not proposed. Comments from the FAA and Department of Defense were also received; none pertained to electromagnetic interference. Board members expressed concern that the project's location adjacent to the base could negatively impact future retention efforts. Mr. Agronin asked why this site was chosen given the abundance of brownfields and other unproductive land better suited for solar development in the County. Mr. Anderson responded that it was an opportunity to work with a local landowner who is looking for additional lease revenue, as well as to provide power to the area. Mr. Garrow made a motion for disapproval, citing the project's location and potential impacts on base operations, as well as not meeting the requirements set forth in the Town's zoning and solar laws. The motion was seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business – None

5. New Business

a) Correspondence Review – SEQR Lead Agency Designations

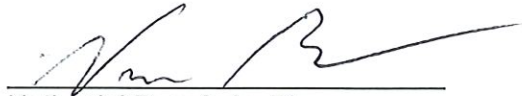
- a. Mr. Bonafede informed the board of SEQR lead agency designation correspondence received from the Town of Somerset, Town of Wheatfield and the Lockport City School District.

b) Orleans County Land Use Training – Tuesday, June 17, 2025

- a. Mr. Bonafede informed the Board of an upcoming training opportunity hosted by Orleans County.

Adjournment – A motion to adjourn the meeting was made by Ms. Tamburlin and seconded by Mr. Machelor at 3:04pm. Yes 7, No 0. Carried.

Respectfully submitted,



Nathaniel Bonafede, Planner

