



NIAGARA COUNTY PLANNING BOARD
SAMUEL M. FERRARO CENTER FOR
ECONOMIC DEVELOPMENT
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Chairman

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MEETING MINUTES

Niagara County Planning Board

Monday, February 24, 2020 – 2:00 p.m.

Niagara County Center for Economic Development, Sanborn

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Richard Muscatello, Thomas Ohol, James Sobczyk, Garret Meal (ex-officio)

Members Absent: Jonathan Welka

Staff Present: Thomas Burgasser, 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 January 27, 2020 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6647 – Town of Lockport – Area Variance, Use Variance, Site Plan Review

Request by Cazenovia Recovery Systems, Inc. for the Planning Board to review an area variance, use variance and site plan for housing and operation of program rehabilitation services for women and women with children as well as apartments for the community at 102 Davison Road. The property is 7.2 acres and is zoned R-1, Single-Family Residential. Charles Grieco of Cazenovia Recovery Systems informed the board that the purpose of the use variance is to allow for the reuse of the property for multi-family housing and rehabilitation services. Mr. Grieco stated the project should not have to comply with the requirements for a use variance because of the disability nature of the proposed reuse and the protections afforded under the Americans with Disabilities Act. Chairman Kibler stated the project would change the aesthetics of the neighborhood and it was a self-created hardship because the developer purchased the property knowing the zoning issues. Mr. Muscatello questioned if the project qualified as a commercial enterprise since the residential units will be generating rental income. Mr. Grieco responded that Cazenovia Recovery Systems is a not-for-profit entity. Mr. Muscatello asked if the developer had a pre-submission meeting or had been successful in meeting with the two municipalities involved. Mr. Grieco stated that attempts to meet with the municipalities has not been successful. Mr. Grieco stated the Niagara County request for proposal to sell the property indicated the Switzer Building must be repurposed unless not economically feasible in which case the building could be demolished. Mr. Agronin asked if any reviews were completed on the sewer system to determine if the increased demand could be handled. Mr. Grieco stated the sewers are part of the City system and had adequate capacity when the property was previously occupied. Joshua Feinstein, Special Council for the City of Lockport clarified to the board that the ADA guidelines are for equal access and must be necessary and reasonable but do not suspend state and local laws. Mr. Feinstein noted that only a portion of the project would be used for disabled individuals, therefore the ADA criteria is not met. Ms. Ursula Petraetis, resident, informed the board that adjacent to the property is a graveyard with approximately 1,900 unmarked graves. She stated past development projects have proved that graves may exist outside of the parameters of the graveyard and asked the board to consider the consequences of disturbing possible human remains. Ms. Petraetis also noted that the property owner currently lives approximately 0.5 miles from the project site and is experiencing significant sewer issues.

Ms. Carolyn Manning, resident, reviewed the four criteria needed for a use variance and noted that none of them have been met asking the board to consider denying the request. Mr. Garrow stated the project has significant local impacts and determination as to whether the use variance criteria should be met or waived is a local issue. The board discussed that the project does not affect the county as a whole. Mr. Garrow made a motion that the project is a local issue and there is no significant county-wide impact and was seconded by Mr. Collard. 6 Yes (Agronin, Collard, Garrow, Kibler, Muscatello, Ohol), 2 No (Klyczek, Sobczyk). Carried.

No. 6648 – Town of Royalton – New Zoning Ordinance

Request by the Town of Royalton for the Planning Board to review a request to create a new zoning overlay district titled “Niagara Escarpment Overlay District (NEO)” to protect natural resources as part of the town’s comprehensive plan. Ms. Fisk informed the board that the Town of Royalton’s 2009 Comprehensive Plan references protection of the escarpment in several sections and mentions the development of a zoning overlay district. A map of the district is referenced but not included in the submission. A motion to approve the zoning ordinance was made by Mr. Muscatello and seconded by Mr. Agronin with the recommendation that the district be added to the town zoning map to clearly define the overlay boundaries. Unanimous. Carried.

No. 6649 – City of Lockport – Area Variance

Request by Metzger Engineering for the Planning Board to review an area variance request to allow for the construction of a 2,865 sq. ft. building to be utilized as the Lockport School Federal Credit Union located at 360 S. Transit Street. The required rear setback is 30’ and the proposed setback is 22.2’. The property is 0.565 acres and is zoned B-1, Neighborhood Business. Michael Metzger of Metzger Engineering was present on behalf of the developer to discuss the project. Mr. Metzger stated that the site is an out parcel of an existing plaza. The existing building will be demolished and a 2,865 sq.ft new structure will be constructed for use as a credit union. The setback variance is required at the rear of the property due to a canopy on the bank’s drive-thru lane. All other setback requirements have been met. The board had no concerns. A motion to approve the area variance was made by Mr. Sobczyk and seconded by Ms. Klyczek.

4. *Old Business* – None

5. *New Business* – None

6. *Adjournment* – A motion was made by Mr. Muscatello and seconded by Mr. Garrow to adjourn the meeting at 3:13 p.m. Unanimous. Carried.

Respectfully submitted,



Jacqueline Minicucci, Recording Secretary