



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
Monday, December 21, 2020 – 2:00 p.m.
Meeting held via WebEx:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=mf57afc1e1d259393a73a9fab5925d0>

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

Members Absent: Richard Muscatello (Ex), Thomas Ohol, Jonathan Welka,

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:03 p.m.
2. A motion was made by Mr. Garrow and seconded by Mr. Collard to approve the October 19, 2020 meeting minutes. Unanimous. Carried.
3. *Niagara County Planning Board Referrals*

No. 6682 – Town of Wheatfield – Special Permit, Site Plan Review

Request by DG New York CS, LLC for the Planning Board to review a special permit request and site plan for the construction and operation of a 5 MW utility solar energy system located 3636 Mapleton Road. The property is 78.8 acres and is zoned R-2 (Residential-2), R-R (Rural-Residential), and A-R (Agricultural-Residential). Walter Garrow, as Chairman of the Wheatfield Planning Board, asked to speak on behalf of the Town of Wheatfield. Mr. Garrow informed the board he would abstain from voting but wanted to provide background on the project. Mr. Garrow stated the site plan is preliminary and there are issues the Town needs to address with the applicant. The Town has not received a formal special use permit application. Due to COVID-19 restrictions, a public hearing has not taken place. The Town is considering a moratorium on solar projects in the near future to better plan for the high number of projects being proposed. The board discussed the inability to make a final determination due to the lack of information and incomplete application. A motion to table the referral was made by Mr. Agronin and seconded by Mr. Collard. Mr. Garrow Abstained. Unanimous. Carried.

No. 6683 – Town of Wheatfield – Special Permit, Site Plan Review

Request by DG New York CS, LLC for the Planning Board to review a special permit request and site plan for the construction and operation of a 3.3 MW utility solar energy system located at 6714 Townline Road. The property is 49.12 acres and is zoned R-R Rural-Residential. Similar to Referral 6682, the site plan is preliminary and there are issues the Town needs to address with the applicant. The Town has not received a formal special use permit application and a public hearing has not taken place. The board discussed the inability to make a final determination due to the lack of information and incomplete application. A motion

to table to referral was made by Mr. Agronin and seconded by Ms. Klyczek. Mr. Garrow Abstained. Unanimous. Carried.

No. 6684 – Town of Lewiston – Zoning Text Amendment

Request by the Town of Lewiston for the Planning Board to review a zoning text amendment to abolish the existing Article XXVIII, Solar Energy Systems, of the Town Zoning Code and replace with a new Article XXVIII, Solar Energy Systems. There was no representative present from the Town of Lewiston to discuss the referral. Ms. Fisk informed the board that Lewiston passed a solar energy systems law in 2018 and the proposed new law would replace the 2018 law in its entirety. Ms. Fisk highlighted some significant changes to the existing law as follows: 1.) Additional regulations for electrical energy storage; 2.) Increases in dwelling setbacks to 700 ft. and 500 ft. for other structures; 3.) Road setback increase to 700 ft.; 4.) Decommissioning will be the responsibility of the property owner, not the solar developer; 5.) Increasing landscaping and buffer requirements; 6.) Night lighting regulations; 7.) Fencing must be 8 ft. in height and incorporate natural colored screening measures; 8.) Screening must surround the entire site; 9.) Vegetation must be native to WNY; 10.) The site must maintain a minimum of 25% operation. If operation falls below 25% for six months, the use permit may be revoked. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 6685 – Town of Pendleton – Subdivision

Request by MMK 6856 LLC for the Planning Board to review a subdivision of the current 16.5 acre lot located at 6856 Transit Road into two lots of 8.9 & 7.6 acres respectively. The property is zoned CO-2, Medium Commercial. Robert Somerstein representing MMK 6856 LLC was present to discuss the project. Mr. Somerstein stated the request is to subdivide the current 16.5 acre lot into two separate parcels. The property currently has two baseball diamonds. There will be an easement between the two parcels and the ballfield to the north will continue to operate until the new owner changes the use. A Negative SEQR Declaration was issued and there was no opposition expressed at the Town of Pendleton public hearing. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Klyczek. Unanimous. Carried.

No. 6686 – City of Niagara Falls – New Zoning Ordinance

Request by the City of Niagara Falls for the Planning Board to review a new Zoning Chapter 1319.4 Airport Protection Overlay District (APOD) with a new Schedule 14 Airport Protection Overlay District Zone and new Schedule 14-B Airport Airspace Plan. The proposed overlay is to prevent the creation or establishment of airport hazards. James Bragg from the City of Niagara Falls was present to discuss the ordinance. Mr. Bragg stated the new zoning ordinance is in response to a request received from the Niagara Air Reserve Station to prevent the creation or establishment of airport hazards and to remain competitive in future Base Realignment and Closure (BRAC) processes. The objective of the overlay district is to regulate height, land use and construction development to meet FAA regulations. The zoning will apply to any new development. A motion for approval was made by Ms. Klyczek and seconded by Mr. Garrow. Unanimous. Carried.

No. 6687 – Town of Cambria – Area Variance, Special Permit & Site Plan Review

Request by Crosslake Fiber USA LP for the Planning Board to review a site plan, special permit request, and area variance to allow for the installation and operation of nine low-profile spherical antennas with ancillary telecom equipment, utilities, privacy fence and the construction of a 9' x 12' storage shed located at 5050 Lockport Junction Road. The property is 41.1 acres and is zoned AR, Agricultural and Residence. Greg Scholand, attorney was present to discuss the project. Mr. Scholand stated the current referral is a modification of the 2018 approved site plan. The new request is to develop a 50' x 50' area that will contain a cluster of 9ft. high low-profile antennas and a storage shed. The new area will be surrounded by landscaping and an 8ft. privacy fence that requires a variance for height since the code allows for a

maximum 6 ft. fence. There is no change to property access. A motion for approval was made by Mr. Agronin and seconded by Mr. Collard. Unanimous. Carried.

No. 6688 – Town of Lewiston – Site Plan Review

Request by Alan Elia for the Planning Board to review a site plan for the construction of a stairway, observation pavilion, deck and floating dock for private use located at 4647 Lower River Road. The property is 1.85 acres and is zoned R-1, One-Family Residence. Alan Elia, property owner and John Battaglia of EnSol, Inc. were present to discuss the project. Mr. Elia stated he would like to construct a multi-level deck with a structure that will provide access to the Niagara River. The upper deck is 24' x 32' and the lower is 16' x 32'. A pavilion structure will be constructed with water, electric and sewer utilities. The floating dock will be removable in the winter. All required permits have been filed with the US Army Corp of Engineers and NYSDEC. The board had no concerns. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow.

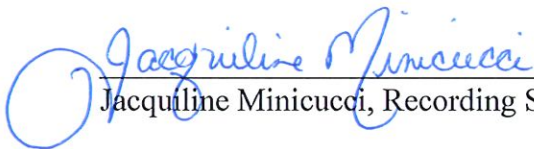
4. *Old Business* – None

5. *New Business* –

Ms. Fisk stated the 2021 meeting schedule was distributed to board members and municipalities.

6. *Adjournment* – A motion was made by Mr. Garrow and seconded by Mr. Agronin to adjourn the meeting at 2:48 p.m. Unanimous. Carried.

Respectfully submitted,



Jacqueline Minicucci, Recording Secretary

