



NIAGARA COUNTY PLANNING BOARD
SAMUEL M. FERRARO CENTER FOR
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Chairman

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MEETING MINUTES

Niagara County Planning Board
Monday, September 22, 2020 – 2:00 p.m.
Meeting held via WebEx:

<https://niagaracounty.webex.com/niagaracounty/j.php?MTID=mf50f2812ec09aa864ae09e00d94ea4c2>

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

Members Absent: Richard Muscatello (Ex), Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:02 p.m.
2. A motion was made by Mr. Agronin and seconded by Mr. Garrow to approve the August 17, 2020 meeting minutes. 7 Yes, 0 Noes. Carried.
3. *Niagara County Planning Board Referrals*

No. 6671 – City of Lockport – Comprehensive Plan Update

Request by the City of Lockport for the Planning Board to review a comprehensive plan update related to the RA, Reserve Area zoning district. Dan Spitzer, Special Counsel and Megan Brewer with the City of Lockport were present to discuss the plan update. Mr. Spitzer informed the board that due to recent project requests, the city felt it was necessary to review the 1998 comprehensive plan to ensure uses in the RA District are consistent with the needs of the community. The City of Lockport engaged the public during the review process and the City Planning Board recommended that no changes be made to the parcels zoned RA and the code be updated to allow for community activities including community centers and concessions related to the allowed uses. A motion for approval was made by Mr. Agronin, seconded by Mr. Garrow. 7 Yes, 0 Noes. Carried.

No. 6672 – City of Lockport – Zoning Text Amendment

Request by the City of Lockport for the Planning Board to review a request for a zoning text amendment to replace in its entirety Section 190-77 regarding special uses in the RA Zoning District. The changes add arenas, concessions related to certain uses, and public or privately owned community centers to the list of special uses allowed. Dan Spitzer, Special Counsel and Megan Brewer with the City of Lockport were present to discuss the zoning amendment. Mr. Spitzer stated that it is necessary to alter the RA zoning to allow for more amenities that are accessory to recreational uses. Current uses in the RA district were discussed. The board had no concerns. A motion for approval was made by Mr. Garrow, seconded by Mr. Agronin. 7 Yes, 0 Noes. Carried.

No. 6673 – Town of Newfane – Area Variance

Request by Scott Ray for the Planning Board to review an area variance request to allow for the construction of a carport to the west side of the existing single-family residence located at 6192 East Avenue. An area variance is needed to allow for a 2 ft. side yard setback whereas the code requires a 10 ft. setback. The property is 2.48 acres and is zoned R-1, Single Family Residential. There was no representative present for the project. Ms. Fisk informed the board that the property owner is requesting to construct a carport which will cover a portion of the existing driveway requiring the setback variance. The adjacent property has a similar structure. There is landscaping dividing the two properties. A motion for approval was made by Mr. Sobczyk, seconded by Ms. Klyczek. 7 Yes, 0 Noes. Carried.

No. 6674 – City of Lockport – Use Variance, Parking Variance

Request by Kearney Realty & Development Group for the Planning Board to review a use variance request to allow for residential units in an Industrial district. A parking variance is being requested to waive the required 331 spaces. The proposed development is 1.49 acres located at 100 South St. and is zoned I-3, Heavy Industrial. Rob Pidanick of Nussbaum & Clark; Ken Kearney, developer; and Jason Dool, City of Lockport Building Inspector; were present to discuss the project. Mr. Kearney stated they are currently working with the City of Lockport and The Greater Lockport Development Corporation (GLDC) to create a parking plan that will ensure enough parking spaces for the residential and retail uses of the property. As part of the City's downtown revitalization plan, 50 on-street parking spaces are proposed along South Street which can be used for the residential units. There are 100 parking spaces in a municipal lot on Walnut Street and another 150 parking spaces in the Chestnut Street lot which could be utilized. If needed, the developer can negotiate with the GLDC for an additional 32 on-site parking spaces. Jason Dool informed the board that the property is zoned I-3, Heavy Industrial but the surrounding parcels are zoned B-2, Central Business which is a better use for the proposed project. The City would prefer to issue a use variance that utilizes the B-2 zoning instead of rezoning the parcel. Mr. Kearney informed the board they are working with New York State Department of Environmental Conservation regarding environmental issues at the site. Mr. Collard asked if a market study had been completed. Mr. Kearney stated a market analysis was done and the analysis supports the proposed level of investment and mix of uses. A motion for approval was made by Ms. Klyczek and seconded by Mr. Agronin. 7 Yes, 0 Noes. Carried.

No. 6675 – City of North Tonawanda – Site Plan Review

Request by Metzger Civil Engineering for the Planning Board to review a site plan for the construction of 16 new 4-unit townhomes for a total of 64 units located at 1100 Sweeney Street. The property is 9.33 acres and is zoned R-1, Single-Family Residence. Mike Metzger of Metzger Engineering was present to discuss the project. Mr. Metzger stated that in 2017 the board reviewed and recommended approval of the site plan. At that time, the North Tonawanda Planning Board issued a negative declaration and also approved the project. A lawsuit was filed and the court ruled that changes were needed to the SEQR documentation to better define environmental issues including wildlife and vegetation found at the site. An amendment to the environmental review was completed to include a comprehensive list of flora and fauna for the area. An overview of the changes from the original EAF to the current EAF was provided. The court further ruled that the project needed to be reviewed by the Niagara County Planning Board since the EAF was modified. Mr. Metzger stated there have been no changes to the site plan or building layout as was previously presented in 2017. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Collard. 7 Yes, 0 Noes. Carried.


4. *Old Business* – None

5. *New Business* –

- 1.) Ms. Fisk informed the board that she is closely working with the state regarding training opportunities. This year's training will be virtual. Ms. Fisk will keep the board updated.
- 2.) Ms. Fisk shared SEQR correspondence received.

6. *Adjournment* – A motion was made by Mr. Garrow and seconded by Mr. Agronin to adjourn the meeting at 3:12 p.m. Unanimous. Carried.

Respectfully submitted,



Jacquiline Minicucci, Recording Secretary