



NIAGARA COUNTY PLANNING BOARD
SAMUEL M. FERRARO CENTER FOR ECONOMIC
DEVELOPMENT
6311 INDUCON CORPORATE DRIVE
SANBORN, NEW YORK 14132

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MEETING MINUTES

Niagara County Planning Board
6311 Inducon Corporate Drive – Suite One
Sanborn, New York 14132
Monday, October 20, 2025 – 2:00 p.m.

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

Members Absent: Michael Carney, Thomas Ohol, Mary Jo Tamburlin

Staff Present – Nathaniel Bonafede, Margit Denning, Andrea Klyczek, Amy Schifferli

1. The meeting was called to order at 2:00pm.
2. Approval of the August 18, 2025 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.
3. Niagara County Planning Board Referrals

No. 7008 – City of Niagara Falls – Local Law Amendment

Request by Eleventh Street Properties, LLC for the Planning Board to review proposed amendments to the City of Niagara Falls' High Energy Use Law. Attorney Melissa Valle, representing Eleventh Street Properties LLC, was present to discuss the proposal. Kevin Forma, Director of Planning for the City of Niagara Falls and Daniel Spitzer, Special Counsel for Niagara Falls were also present. Ms. Valle identified the applicant as owner of more than 150 properties within the City. They have submitted an application to Niagara Falls pursuant to Section 1302.4 of the City Zoning Code, which allows an individual property owner to request local law changes. The applicant seeks to amend Section 1319 of the City Zoning Code, which is the City's High Energy Usage Law. The County Planning Board had previously reviewed the original law and recommended approval. Ms. Valle explained the application includes a noise impact analysis previously completed for a separate application involving a data center proposed by the applicant. The applicant considers the noise evaluation to be newly discovered information that justifies the requested revisions pursuant to Section 1302.4 of the City Zoning Code. Ms. Valle went on to explain the modifications. The restriction currently allowing the High Energy Overlay district to apply only to the I-2 Heavy Industrial district has been removed. Regulations concerning noise have also been adjusted. Ms. Valle explained that findings of the noise analysis determined that the City's ambient noise levels exceed the current restriction in the law, making compliance with the standard impossible. Areas analyzed included the City's downtown and residential districts. The new standard is consistent with ambient noise of the area and removes current standards. Additional verbiage giving the City Planning Board and Common Council power to waive noise requirements were also added. Ms. Valle ended the presentation by stating that the revisions could be beneficial to the city, its residents and data center developers and advance principles in the city comprehensive plan by allowing the city to more efficiently leverage the unique opportunity that this industry presents. She also stated that the revisions have no significant inter-municipal or county-wide impact. Mr. Agronin asked if the applicant is looking to raise the level of noise in the City if appropriate. Ms. Valle clarified that they are seeking to have ambient noise levels studied and then have industry meet those levels. Mr. Agronin asked if there are other data centers in the City that the law applies to and if there have been complaints from residents. Ms. Valle responded that she is not sure of specifics on resident complaints, but there are crypto mining facilities, which she differentiated from data centers, stating that data centers have a greater ability to limit noise when compared to crypto mining facilities.

The Board then invited Kevin Forma and Daniel Spitzer to speak.

Mr. Forma stated that the City is not supportive of the revisions. He explained that the applicant is differentiating between crypto mining and data center facilities, but clarified that the law applies to both. He stated that by removing the I-2 Heavy Industrial restriction, data centers and crypto facilities could locate anywhere in the city regardless of zoning. He also expressed concern with the usage of ambient noise as the level of standard for noise, as ambient noise can vary block to block. He mentioned difficulty of enforcement, pointing out the possibility of a large scale project spanning multiple blocks having different sets of noise standards applied to it. The City views the current noise regulations as an attainable goal that developers can work with the City to meet, and using ambient noise rather than a set standard would cause noise to continually increase.

Mr. Spitzer then explained that the City has worked with existing crypto mining and data centers to reduce noise to near acceptable levels, and that variances have been requested through the City Zoning Board to relieve the remainder of the requirement. He described the proposed waiver clause as a method of bypassing the Zoning Board variance process, which he believes to be illegal in the context of a noise ordinance given current state mandates. He went on to explain that facilities of this type are traditionally considered industrial uses, and that it's not common practice to allow these facilities to locate in non-industrial zones. He pointed out that existing facilities in the City are located within the I-2 district. He described the revisions as unconventional, reckless, and as not being consistent with the City's comprehensive plan. He explained that the City's decision to limit data centers to the I-2 district is based on the availability of vacant industrial land and the City's desire to see that land developed. He also described the law amendment request as unnecessary, stating that the applicant can instead use the re-zoning or use variance process to move their data center project forward.

The Board then asked if there were any other speakers for the referral.

Kevin Schuler, speaking on behalf of Niagara County Legislator Rich Andres, expressed concern about the County becoming involved in this issue, describing it as a city issue that has no impact on the County. He stated that the logical conclusion would be for the Board to send the project back to the City and let them make their own determination.

Mr. Spitzer argued that there are County-wide implications given the City's standing as the County's tourism center. He noted the potential for the revised regulations to have negative implications on land use within the City that could negatively impact tourism. He also mentioned the possibility that future data center developers could locate their projects immediately adjacent to municipal boundaries under the proposed amendments, which could impact neighboring municipalities. Mr. Garrow added that the revisions could set a bad precedent, noting that other municipalities in the County used the Niagara Falls High Energy Usage Law as a guide to develop their own laws. He also expressed concern about the waiver clause essentially rendering the law useless and circumventing the Zoning Board. Mr. Garrow made a motion for disapproval, citing these concerns. The motion was seconded by Mr. Machelor. A discussion ensued.

The Board asked Mr. Bonafede and Ms. Schifferli for input. Mr. Bonafede and Ms. Schifferli concurred with Mr. Schuler's previous statement and suggested the Board consider a motion indicating the referral has no significant county-wide impact. Additional discussion regarding potential inter-municipal or county-wide impacts ensued.

The motion on the table made by Mr. Garrow and seconded by Mr. Machelor was for disapproval. The Board took a vote. 5 yes, 1 no (Sobczyk). Motion passed.

No. 7009 – Town of Niagara – Site Plan Review

Request by John Simon of Stavatti Group for the Planning Board to review a site plan to allow for a section of the property located at 9400 Porter Road to be used as a secure vehicle storage area for new motor vehicles imported from outside the country. The property is 2.97 acres and is zoned HI Heavy Industrial. The proposal is not compatible with local zoning regulations. A motion for disapproval was made by Mr. Sobczyk and seconded by Mr. Garrow. Unanimous. Carried.

No. 7010 – City of North Tonawanda – Site Plan Review

Request by Walmart Stores Inc. for the Planning Board to review a site plan to allow for the construction of a 6,448 sq. ft. addition at the west rear side of the existing Walmart building at 886 Niagara Falls Boulevard. The property is 27.24 acres and is zoned M-1 Light Manufacturing district. Marah MacKenzie was present to discuss the project. Ms. MacKenzie explained that this is part of a national initiative by Walmart and the goal is to expand on-line pickup and delivery operations. The 6,448 sq. ft. addition will be stockroom space with racks and coolers for groceries and other items to be dispensed outdoors to people's cars. It will be developed at the rear west side of the building and will replace current operations. Pickup spaces will increase from 25 to 37. Ms. MacKenzie pointed to traffic control areas that are designed to slow traffic as it enters the space. Mr. Garrow inquired about the depth of excavation since it is near the road. Ms. MacKenzie she will have to verify, but she believes that it is about 10'-12'. She added that there will be a soil management plan in place for construction. A Phase I environmental assessment has been completed. They are working with NYSDEC regarding wetlands. A motion for approval was made by Mr. Agronin and seconded by Mr. Sobczyk. Unanimous. Carried.

No. 7011 – Town of Niagara – Site Plan Review

Request by Charles Dahlke for the Planning Board to review a site plan to allow for the construction of seven free standing self-storage buildings and one 3,000 sq. ft. office building on the property at 8921 Porter Road. The property is 1.57 acres and is zoned B-1 General Commercial. No SEQR EAF was submitted with the application. A use variance is needed to allow for the location of self-storage facilities in a non-industrial zone. A motion to return the referral back to the town for further information was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. The referral will be returned to the town.

No. 7012 – Town of Niagara – Special Use Permit

Request by Geoffrey McIntyre of MasTec for the Planning Board to review a Special Use Permit request to allow for the installation of an EV charging station and associated infrastructure in the Aldi's parking lot. The property is 2.97 acres and is zoned B-1 General Commercial. The applicant had contacted the department wishing to withdraw the project. The location of the EV charging stations will be changed based on feedback received from the Town Planning Board, and the applicant is updating their plans. A motion to return the referral back to the town for further information was made by Mr. Garrow and seconded by Mr. Collard. Unanimous. The referral will be returned to the town.

No. 7013 – Village of Wilson – Local Law Amendment

Request by the Village of Wilson Board of Trustees for the Planning Board to review a local law amendment extending the moratorium on large scale battery energy storage systems for an additional six months. Greg Martin, Mayor of the Village of Wilson, was present to discuss the request. The extension is needed to give the Village more time to draft their battery storage law. The Village has not received any new battery storage applications. Mr. Agronin inquired about the progression of the law. Mr. Martin explained that some final adjustments and board approval are needed. They are using a similar law from the Village of Lancaster as a guide. A motion for approval was made by Mr. Machelor and seconded by Mr. Agronin. Unanimous. Carried.

No. 7014 – Village of Wilson – New Local Law

Request by the Village of Wilson Board of Trustees for the Planning Board to review a new local law establishing solar energy system regulations. Greg Martin, Mayor of the Village of Wilson, was present to discuss the law. Mr. Martin explained the village currently does not have a solar law. The need for one is anticipated as solar energy systems become more prominent. The law includes Tier I, Tier II, and Tier III solar energy facilities. It is compatible with the Village's comprehensive plan. Mr. Bonafede recommended that a reference to Tier IV solar energy systems be removed if it is not being regulated. He also recommended the Village add language referencing the requirement for applicants to adhere to the County's Solar Recycling Regulations. A motion for approval noting comments was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

No. 7015 – Town of Somerset – Zoning Map Amendment, Site Plan Review

Request by Wulf Compute LLC for the Planning Board to review a zoning map amendment and site plan to allow for the construction of two additional AI data center facility buildings and associated accessory structures to the East of current construction located at 7725 Lake Road. Associated structures will include dry cooler yards, UPS systems, 5 million gallon storage tank, and a switchyard. The property is 61 acres and is zoned PUD Planned Use Development. An amendment to the existing PUD is required. Jeff Dewart, Town of Somerset Supervisor and John Marabella, site Construction Manager were present to discuss the project. Mr. Dewart introduced Abe Platt, the town's attorney, and Nina Ballou, Planner from Wendel. Mr. Marabella explained there are five crypto mining buildings currently on site. Also, there are three AI data centers; one is currently in operation. One will be in operation in early 2026 and another is under construction. They are looking to add two more data centers, which will require another 61 acres to be added to the PUD amendment. Each building will be 330,000 sq. ft. A switch yard and storage tank will be added. The buildings will have a mechanical space, white space for the data servers, and transformers. UPS batteries will be in containers. Mr. Machelor inquired about fire department access. Mr. Marabella stated they have met with the fire chief and Jonathan Schultz, Director of Emergency of Services and Fire Coordinator for Niagara County regarding access to the buildings. He pointed out the access roads and multiple entries from the south and west. The roads are 24' wide and have 4' shoulders. There is access all the way around the buildings. Locations of fire hydrants and the 5,000,000 gallon tank were also pointed out. There will be multiple containment systems provided for the lithium ion batteries in addition to the self-contained cells.

Mr. Agronin asked if there have been any complaints about the noise level. Mr. Dewart replied there have been 4 complaints about the crypto buildings but not the data center. Mitigations are underway for the crypto buildings. The new data centers will not increase the noise levels. Mr. Marabella added low noise motors and low noise fans have been specified to 45 decibels. Ms. Ballou stated these data centers do not have diesel backup generators. Mr. Marabella explained they are on a secondary feed within the switch yard. Mr. Machelor asked if there is a solar farm on site. Mr. Marabella explained a solar farm is a separate project and construction will start in January 2026. Mr. Sobczyk asked for clarification on the specific zoning change. Ms. Ballou explained the town's PUD amendments are technically zoning map changes, but they are not reclassifying the zoning. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

4. Old Business – None

5. New Business

Mr. Bonafede reviewed SEQR lead agency designation correspondence received from the Newfane Central School District regarding capital improvements throughout the district.

Mr. Bonafede reminded the Board the DOS training on Tuesday October 28, 2025 is being held at North Tonawanda High School Fine Arts Center.

Adjournment – A motion to adjourn the meeting was made by Mr. Machelor and seconded by Mr. Collard at 3:06 pm. Yes 6, No 0. Carried.

Respectfully submitted,


Margit Denning, Recording Secretary