



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, November 18, 2025 – 2:00 p.m.

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

Members Absent: Michael Carney, Thomas Ohol

Staff Present – Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 2:00pm.
2. Approval of the October 20, 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. 7016 – Town of Lockport – Special Use Permit

Request by McKie Properties, LLC for the Planning Board to review a Special Use Permit to allow for the existing building and parking lot at 6695 S. Transit Rd to be used for golf cart sales and servicing. No changes to the building's footprint are proposed. The property is 1.1 acres and is zoned B-2 General Business District. There was no representative present to discuss the project. Mr. Bonafede explained that this is an existing building and the existing businesses will be vacating the premises at the end of the year. They plan to replace them with a golf cart sales and servicing center. There will be no changes to the building or parking lot so a site plan is not required. A special use permit is needed for change of use. Mr. Garrow inquired if the use is contrary to the Town code. Tom Seaman, Attorney for the Town of Lockport interjected and stated that the Town Planning Board has already approved the Special Use Permit conditioned on the approval of the Niagara County Planning Board. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

No. 7017 – Town of Cambria – Special Use Permit and Site Plan Review

Request by Crosslake Fiber USA LP for the Planning Board to review a special use permit and site plan to allow for the installation of a 196.8' X 196' fenced gravel compound containing communications equipment at 5050 Lockport Junction Road. 80 low profile spherical antennas and 2 headed equipment racks will be installed within the compound. The property is 39.70 acres and is zoned AR Agricultural and Residence District. Matt Bandle, representative of the applicant, was present to discuss the project. He explained that the facility will be located in the northeast corner of the property. He went on to describe the setbacks: 150' from the northern property line; 187' from the eastern property line along Lockport-Junction Road; and roughly 1,700' from the southern property line. An 8' high privacy fence will be installed surrounded by Junipers on the eastern and southern portions. The new facility will blend with the smaller existing facility located adjacent to the proposed construction site. A gravel driveway will tie into the existing driveway with no new curb-cut on Lockport-Junction Road required. The special use permit is required for the location of communications equipment in the AR district. The Board noted that the project is consistent with existing development on the site. A landscaped berm constructed as part of a previous project on site eliminates the need for additional tree coverage. The antennas are 4' wide and 8' high and will be used to amplify satellite internet coverage in the area. The 2 cabinets are 4.5' wide by 6' high. A fiber box and an H frame will also be installed. Blue prints, engineering specifications photo renderings, and current photos of the surrounding areas were examined by the board. Mr. Garrow inquired if the proposed 8' high fence required a variance.

Mr. Bonafede stated that he was informed by the Town Building Department that no variances are needed. Mr. Garrow inquired about the EMF values both inside the array and around the fence line. Mr. Bandle explained the facility will be licensed and the design will meet all FCC process and protocol requirements. The specific EMF/EME study has not yet been done. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 7018 – Town of Lockport – Local Law Amendment

Request by the Town of Lockport for the Planning Board to review a local law amendment clarifying that detached garages are permitted accessory structures in R-1 Single-Family Residential Use Districts, even when an attached garage already exists. Tom Seaman, Attorney for the Town of Lockport was present to discuss the amendment. Mr. Seaman stated that the Town Board has called for a public hearing regarding the proposed amendment, which will take place on December 3rd, 2025. The Town has also initiated the coordinated review pursuant to SEQRA. He explained that it's questionable as to whether County review is required under the inter-municipal agreement, but given current litigation relative to the underlying issue being addressed by the proposed amendment, he advised the Town Board to take every single step necessary to avoid potential challenges in the future. The underlying issue is a dispute between neighbors involving the construction of a detached structure in the rear yard of a property already containing an attached garage. There are questions as to whether the structure is a pole barn or a detached garage; the Town Building Department considers it a pole barn, which existing code identifies as an accessory use allowed outright in the R-1 district, while neighboring property owners argue that it's a detached garage, which the current version of the code technically does not allow if an attached garage already exists. Mr. Seaman explained that the town recognizes the confusion in this case between what is considered a pole barn and a detached garage, which is why they brought the law amendment forward. He explained the rationale for this, which is that the Town has allowed these types of structures to locate in the R-1 district for at least the previous 15 years, and noted that previous court proceedings have demonstrated this. The Town hopes the law amendment will end confusion and any continued litigation with regards to the topic. Mr. Agronin asked if the structure being discussed met setback requirements. Mr. Seaman explained that the proposed law amendment does not address this question, but stated that the structure meets setback requirements and no variances were needed. A building permit was issued, the structure was constructed, and now questions as to whether language in the law applies to this particular structure have arisen, which is why clarification is needed. David D'Amato, Karen D'Amato and Jim Lanzo, Town of Lockport residents, were present to express concerns with the proposed amendment. Mr. D'Amato's attorney had submitted a letter to the board with regards to the amendment and the ongoing dispute. Mr. Kibler invited Mr. D'Amato to speak. Mr. D'Amato identified himself as the homeowner who lives next to the property where the disputed accessory structure was constructed. Mr. D'Amato expressed his belief that the structure is a garage and distributed pictures showing vehicles parked inside the structure. He went on to explain that a variance should've been sought through the Zoning Board, which would've given neighbors the opportunity to express their concerns at a public hearing. He believes the structure is not consistent with the existing character of the neighborhood and should not have been allowed outright. He also described his negative experiences throughout the ordeal, and stated his belief that the Town is interchanging the name of the structures to avert adhering to the code. He read excerpts from the letter submitted to the Board, which describe the overall situation, its impact to surrounding properties and potential district-wide impacts, and accuse the Town of not adhering to their own zoning laws. Ms. D'Amato then spoke. She restated that the current code does not permit a detached garage when an attached garage already exists on the property and that proper procedure involves seeking variance approval through the Zoning Board before issuance of a building permit. She explained that the proposed amendment removes due diligence processes that benefit people living in Lockport's R-1 District. She noted that most lots in the R-1 district are condensed and close together, and allowing structures that can be built up to 30% of the size of the accompanying home as well as the construction of driveways to serve these structures could significantly impact drainage. She restated Mr. D'Amato's belief that these structures are not consistent with the existing character of the neighborhoods and added that they will negatively impact home values. Mr. Agronin, referring to a Town-provided list of building permits issued for "detached garages" included in the letter, inquired if any were granted variances. Mr. Seaman stated that none were required to obtain a variance since the Town had considered them to be pole barns. He restated that pole barns are permitted accessory uses outright in the R-1 district and mentioned that when interpreting the code, the Town Building Department focuses on materials used for construction. Mr. Bonafede reminded the Board to look closely at whether the proposed amendment has any inter-municipal or countywide implications. A discussion amongst Board Members ensued. A motion stating that the local law amendment

has no inter-municipal or countywide impact was made by Mr. Sobczyk and seconded by Ms. Tamburlin. The Board took a vote. 6 yes, 1 no (Machelor). Motion passed.

No. 7019 – City of Lockport – Zoning Map Amendment and Zoning Text Amendment

Request by the City of Lockport for the Planning Board to review revisions to the recently adopted City Zoning Code and Zoning Map. Revisions include amendments to bulk requirements in the Low Density Residential District, amended landscaping regulations, and the rezoning of certain parcels from Open Space to Low Density Residential District. Jason Dool, Building Inspector for the City of Lockport was present to speak about the amendments. Mr. Dool explained that landscaping regulations have been added and will be consistent with existing regulations pertaining to fences and walls. Additionally, lot coverage requirements in the Low Density Residential District are proposed to be increased to better reflect existing development patterns. Mr. Dool explained that when the initial regulations concerning lot coverage were added in 1984, features such as driveways or pools were not considered. The City is proposing to amend the code to increase max gross impervious surface for lot sizes up to 1 acre from 30% to 40%, and for lot sizes over 1 acre, increasing the requirement from 20% to 30%. Lastly, Mr. Dool identified nine residential parcels along West Jackson and Niagara Streets zoned for Open Space that are proposed to be rezoned to Low Density Residential. Mr. Dool explained that the City wants to rezone the parcels to ensure consistency with existing development in the area. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.

4. Old Business

The Board reflected on the October 28, 2025 Land Use Training for Local Officials.

5. New Business

Mr. Bonafede reviewed SEQR lead agency designation correspondence received from the Newfane Central School District regarding capital improvement projects.

Adjournment – A motion to adjourn the meeting was made by Mr. Agronin and seconded by Mr. Collard at 2:56 pm. Yes 7, No 0. Carried.

Respectfully submitted,



Margit Denning, Recording Secretary

