



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, July 21, 2025 – 2:00 p.m.

Members Present: J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, Thomas Ohol, Mary Jo Tamburlin, James Sobczyk,

Members Absent: William Agronin, Michael Carney, Garret Meal (Ex-officio)

Staff Present – Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 2:00pm.
2. Approval of the June 16, 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. 6996 – Village of Barker – Moratorium

Request by the Village of Barker for the Planning Board to review a local law establishing a moratorium on utility-scale solar energy system installations and utility-scale electrical energy storage device systems within the Village for a period of eight months. Village clerk Amanda Detschner was present to discuss the moratorium. Ms. Detschner stated that the Village is primarily residential with limited industrial space suitable for solar and battery storage development, and the Village needs time to develop regulations regarding these uses. They have received inquiries from developers looking to rent space for solar or battery storage development. Mr. Sobczyk asked if the Village will be working with a consultant to draft the regulations. Ms. Detschner replied that they will be working with the Village Attorney on this matter. Mr. Garrow advised that the Village needs to consider the potential fire hazards, firefighting requirements, and resources needed to combat a fire when drafting new solar and battery storage regulations. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Garrow. Unanimous. Carried.

No. 6997 – Town of Cambria – Site Plan Review

Request by Mike Wasik for the Planning Board to review a site plan to allow for the construction of an additional 50' x 120' tenant storage building on the property located at 4947 Lockport Road. The property is 3.76 acres and is zoned B-2 General Business. No representative was present. Mr. Bonafede explained that there is a building on the site that the Board had previously approved and Mr. Wasik wants to add an identical building right next to it. The building will consist of five bays and be used for storage of blacktop equipment by the tenant. The property is zoned correctly and setbacks are met. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 6998 – Town of Newfane – Site Plan Review and Special Use Permit

Request by UGE International for the Planning Board to review a site plan and special use permit to allow for the construction of a 5 megawatt solar farm on a portion of the parcel located at 6260 Drake Settlement Road. The property is 60.2 acres and is zoned RR Rural Residential. Chris Mowity and Sydney Rosensaft of UGE International and Patrick Dannebrock of Wendel Companies were present to discuss the project. Mr. Mowity explained that the system will have 11,640 solar panels and cover 25.3 acres. There will be no batteries involved; it is a community solar project. The Board previously reviewed the site plan and special use permit for this project in 2021 and issued a no inter-municipal or County-wide impact ruling. UGE bought the property this past spring and are renewing the agreements. The proposed project is slightly smaller than the one originally reviewed in 2021. Mr. Sobczyk asked the applicants to explain what changes have been

made. Mr. Mowity stated that the technology is newer, which allowed them to scale the project down. Mr. Sobczyk asked where the access road is located. Mr. Mowity explained that there is shared access from Transit Road at the southern end of the property. Mr. Garrow asked how far the panels are from the fence. Mr. Mowity replied 20-30 feet. Mr. Garrow asked if precautions have been taken to reduce the chance of induction along the fence. Mr. Mowity explained that copper grounding wire will be buried along the fence. A geotechnical survey and thermal resistance testing was also completed. All safety mechanisms have been incorporated into the design. A motion for approval was made by Mr. Ohol and seconded by Mr. Machelor. Unanimous. Carried.

No. 6999 – City of Niagara Falls – Site Plan Review

Request by Carmina Wood Design for Brewtopia NY-165, LLC for the Planning Board to review a site plan to allow for the construction of a "7-Brew" restaurant with two drive thru lanes and associated infrastructure at 7210 Niagara Falls Boulevard. The property is 7.64 acres and is zoned C-3 Commercial. Anthony Pandolfe of Carmina Wood Design was present and John Iski, representative of Brewtopia, joined via Webex to discuss the project. Mr. Pandolfe explained that the proposal is for a 510 Sq. ft. drive thru coffee shop with a separate walk in cooler. The project will be built in the Niagara Consumer Square plaza parking lot. There will be two drive thru lanes but no inside seating. The site will be accessed from the plaza entrance opposite 72nd Street. A similar project in Lockport was reviewed by the Board in February 2025. Mr. Iski confirmed that 7-Brew will be serving beverages only at this location. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Collard. Unanimous. Carried.

No. 7000 – City of North Tonawanda – Site Plan Review

Request by Kevin Hughes II for the Planning Board to review a site plan to allow for the construction of a 2-story mixed use building with residential apartments consisting of 2 and 3 bedrooms, commercial storefronts, and a tenant storage area located at 122 Webster Street. The property is 0.38 acres and is zoned D-1 Traditional Downtown Subarea. Kevin and Lisa Hughes were present to discuss the project. Mr. Hughes explained that this will be a 15,000 sq. ft. mixed use building consisting of roughly 7,000 sq. ft. of commercial space on the first floor and roughly 6,800 sq. ft. of residential space consisting of five 2 and 3 bedroom apartments on the second floor. A basement area will be available for commercial and residential tenant storage. An elevator will be installed for accessibility. There will be a main entrance with a lobby for either one large or multiple commercial suites on the first floor; there is interest from one organization for the entire commercial space. The windows can be converted to doors if needed. Mr. Garrow asked about the parking availability. Mr. Hughes stated that there is room for 4 parking spaces at the rear of the site and that he is working with the city on other parking availability. Mr. Garrow inquired about residential rental values. Mr. Hughes stated that the apartments will be market rate. Mr. Sobczyk expressed his concern about the proposed appearance of the façade given the fact that the building would be a focal point in the downtown area. Mr. Hughes is communicating with the Historical Preservation Society on the design of the façade. Mr. Kibler asked if the project has been presented to the Fire Board. Mr. Hughes replied not yet but will as a part of the discussions with the Building Department. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Ohol. Unanimous. Carried.

No. 7001 – Town of Somerset – Local Law Amendment

Request by the Town of Somerset for the Planning Board to review a local law amendment to the Battery Energy Storage Systems (BESS) Code modifying the definition of an Uninterruptible Power Supply (UPS) system and providing a process for obtaining a special use permit to operate a UPS system under certain conditions. Town Supervisor Jeff Dewart and Town Attorney Abe Platt, were present to discuss the amendment. Mr. Dewart explained that the law amendment only applies to UPS systems and does not involve changes to existing regulations of traditional battery energy storage systems. Mr. Platt added that the Town is seeking to distinguish UPS systems used for AI type buffering versus traditional systems that use deep cycle batteries to provide power for an extended period. A new definition has been added and the town wishes to allow UPS systems to locate in Industrial and PUD districts with a Special Use Permit. Mr. Platt reminded the board that UPS systems don't run for extended periods of time and thus do not produce the heat that deep cycle batteries do. Risk of fire is minimal and regulations are in place to further reduce any hazard. A discussion ensued about the specific differences between the two. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

No. 7002 – Town of Cambria – Zoning Text Amendment

Request by the Town of Cambria for the Planning Board to review a zoning text amendment to update the Town's zoning code as part of the Town of Cambria Code updates. Joshua Rogers of Wendel Companies

and Abe Platt, Town Attorney were present to discuss the amendments. An overview of the amendments was provided to the Board. They are mainly administrative and include updates to terminology. No changes have been made to the zoning map. The Town has scheduled a public hearing concerning the amendments for August 14. Mr. Rogers and Mr. Platt explained that the Town is currently working with eCode to get a consolidated and searchable code published online. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Garrow. Unanimous. Carried.

4. Old Business – None

5. New Business

Correspondence Review – Mr. Bonafede reviewed SEQR lead agency correspondence from the Niagara Falls City Council.

A request was made by Mr. Sobczyk to send a letter to all municipalities in the county requesting storm water and drainage mitigation program plans be submitted for reference by the Board.

Adjournment – A motion to adjourn the meeting was made by Ms. Tamburlin and seconded by Mr. Machelor at 2:42 pm. Yes 7, No 0. Carried.

Respectfully submitted,



Margit Denning, Recording Secretary