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

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Chairman

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MEETING MINUTES

Niagara County Planning Board
6311 Inducon Corporate Drive – Suite One
Sanborn, New York 14132
Monday, October 19, 2026 – 2:00 p.m.

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

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

Staff Present – Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 2:00 pm.
2. Approval of the September 21, 2026 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Collard Unanimous. Carried.
3. Niagara County Planning Board Referrals

No. 7079 – Town of Lockport – Site Plan
Request by Mark Zimmerman for the Planning Board to review a site plan to allow for construction of an accessible baseball field and connection of stormwater to an existing drainage inlet at 6520 Lincoln Ave. The property is 0.45 acres and is zoned B1, Local Business Use District. Mark Zimmerman of Challenger Sports League was present to discuss the project. He explained that the organization services disabled people and veterans and would like to add and an ADA compliant turf field and ADA complaint parking. The adjacent property is owned by Lockport Little League and both non-profit organizations share each other's fields, facilities, parking, and field maintenance. The organization is working with the Town on the stormwater drainage. There are no anticipated impacts to traffic on Lincoln Avenue entering into or exiting from the premises. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried

No. 7080 – Town of Pendleton – Site Plan, Special Use Permit
Request by Lockport, LLC for the Planning Board to review a site plan to allow for the installation of a 4MW battery energy storage system consisting of two Fluent Smart Stack batteries & support infrastructure on the property located at the corner of Robinson Road and Meadow Lane (SBL #137.00-2-12). The property is 25.5 acres total and the project is within the Medium Commercial zoning district. Robert Woods, Project Manager from Nexamp was present to discuss the project. Project team members from Nexamp, Barclay Damon and Colliers Engineers, Alex Reilly, Corey Auerbach, Elyse Shapiro, and Brian Riley joined the meeting virtually. Mr. Woods identified the project location on the map and stated the system will occupy roughly 10,000 square feet of the property. They are going through the Planning Board review process with the Town and pursuing a wetlands permit. The Board raised concerns regarding the potential for thermal runaway, emergency response times and the ability of the local fire department to enter the premises in the event of a fire, as well as proximity of the project to neighboring properties. The project team explained the precautions and equipment being used to prevent thermal runaway. Ms. Shapiro went on to explain that the fire department will have access to the entire perimeter of the site and would only enter the site itself if there is a clear threat to life safety as per standard protocol. Mr. Riley added that the local fire department will be provided with equipment and will be trained to combat a BESS fire as per code requirements. The systems are designed to self-contain a fire; the units have individual racks that are thermally enclosed so as not to spread to other racks. The best practice is for emergency responders to monitor the site for life threatening risks and exposures, and to make sure that everything is being actively managed. Emergency response and hazard mitigation plans have been drafted and must be approved by the both the Town and local fire department before the project can move forward. It was also noted that the project complies with setback

requirements. Mr. Auerbach added that the team has addressed these concerns with the Town, and the BESS development will comply with all local, state and federal guidelines associated with fire safety and hazard mitigation. The applicant is required to submit a post incident environmental remediation plan as per special use permit standards. Lifespan of the project is 25 years and a decommissioning plan is in place. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Ohol. 5 yes, 3 no (Garrow, Machelor, Kibler). Motion passed.

No. 7081 – City of North Tonawanda – Site Plan Review
Request by Walmart, Inc. for the Planning Board to review a site plan to allow for the construction of a 1,618 sq. ft. convenience store and a fuel station within the existing Walmart parking lot at 886 Niagara Falls Blvd. The property is 27.3 acres and is M-1, Light Manufacturing District. Randy Bebout was present to discuss the project. Mr. Bebout explained that the fueling station and convenience store will be located in an underutilized area of the parking lot. The parking ratios for the shopping center have decreased due to on-line sales and pickup orders. There will be multiple entrances and exits with no anticipated negative impacts on traffic flow in and out of the shopping center. There will be ten pumps and 20 stations which will sell gas and diesel but not service semi-trucks. A bio-retention area will be added and stormwater will be discharged into the existing storm system. The applicant must obtain a SPDES permit as part of the development. The convenience store hours will be 6am-11pm; the fuel station will be open 24 hours. A motion for approval was made by Mr. Agronin and seconded by Mr. Ohol. 7 yes, 1 no (Tamburlin). Motion passed.

No. 7082 – Town of Niagara – Special Use Permit
Request by Ronald Kuntz for the Planning Board to review a special use permit to allow the applicant to operate a landscaping business out of a detached garage on the property at 7800 Packard Road. The property is 2.9 acres and is zoned NR, Neighborhood Residential. No representative was present to discuss the project. It is stated in the application that the Town is treating the proposed business as a home occupation, which requires a special use permit in the NR district. The property owner is in the process of combining the two properties they own, so they may construct a detached garage in which the business will operate out of. Town code indicates that home occupations must be conducted entirely within a dwelling. A motion for disapproval, citing inconsistency with town code, was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

No. 7083 – Town of Porter – Zoning Text Amendment
Request by the Town of Porter for the Planning Board to review a Zoning Text Amendment regarding event/banquet centers. Peter Jeffery, Town Code Enforcement Officer, was present to discuss the amendment. He explained that residents had petitioned the Town to revisit the existing regulations. The proposed draft will allow event/banquet centers to locate on lots of at least 10 acres within the Town's Rural Agricultural, Medium and Low Density Residential districts, and on lots of at least five acres within the Town's Rural Commercial and Commercial Mixed Use districts. A minimum front yard setback of 300', side and rear yard setbacks of 150' and a setback of 100' from the nearest residence are proposed to be established. There are allowances for existing non-conforming structures to be reused. The maximum number of guests allowed is 250. Design standards include maintaining the character of the surrounding neighborhood & structures, limitations on water features, and parking standards. Lighting, noise, odors, and signage regulations are also included. Fireworks are not permitted. A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Mr. Kibler invited further comments. Resident Chris Dies addressed the Board. Mr. Diez objects to the zoning amendment in residential districts and is concerned with increased traffic concentrated in a short period of time before and after the events. The motion for approval was restated by Mr. Kibler. 7 yes, 0 no, 1 abstention (Collard). Motion passed.

No. 7053 (Previously Withdrawn) – Town of Porter – Area Variance, Special Use Permit, Site Plan Review
Request by the Town of Porter for the Planning Board to review an Area Variance, Special Use Permit, and Site Plan to allow for the construction and operation of a 155' wireless telecommunications tower (plus 4' lightning rod) and associated improvements located at 2901 Dickersonville Road. The project area is 2,500 sq. ft. and is zoned RA, Rural Agricultural. Laura Smith of Nixon Peabody, representing Verizon and co-applicant Tarpin Towers was present to discuss the project. Also present were Site Selection Analyst, Richard Hanson of Pyramid, and Town of Porter Code Enforcement Officer Peter Jeffery. Ms. Smith explained that the tower will be located on a 100' x 100' plot of leased land on the 67-acre property. Verizon's current antenna serving the area is located on an existing tower less than a mile from the site. They do not intend to renew the rental agreement with the owner of the existing tower due to high lease rates, and are

partnering with Tarpin Towers to construct and locate on the new tower to avoid creating a coverage gap in the area. The Town prefers collocation on the existing tower, however town code allows construction of a new tower if it is demonstrated that the cost of construction would be less than the cost of collocating on the current tower. The applicant has worked with the Town Attorney to satisfy that requirement. A site selection analysis found the location to be the least intrusive of several others considered. The tower meets all setback requirements and the compound will be screened by a mix of existing vegetation and additional landscaping along the fence line. There are no other structures or public roadways within the fall zone. An area variance is required to allow for a 155' tower when a maximum of 100' is allowed by code. Ms. Smith explained that the proposed height is the minimum needed to provide adequate coverage to the service area. It was also noted that the other tower in the area is roughly 150' in height. Mr. Ohol inquired about the need for another antenna in the area. Ms. Smith gave a detailed explanation of how the towers work with each other to avoid gaps in coverage. Mr. Hanson and Mr. Jeffery added details of how the specific site was chosen. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Agronin. 7 yes, 0 no, 1 abstention (Collard). Motion passed.

No. 7084 – Town of Cambria – Site Plan Review
Request by Tyler Booth for the Planning Board to review a Site Plan to allow for construction of an addition to the existing museum, as well as for on-site parking improvements at 5182 Ridge Road. The property is 5 acres and is zoned PDD Planned Development District. Tyler Booth and Abraham Platt, Attorney for the Town of Cambria were present to discuss the project. Mr. Booth reminded the Board he presented the project several months ago regarding a zoning amendment. He is now presenting the site plan. Mr. Booth explained the project will be constructed in multiple stages. The current stage involves reconstruction of a previously demolished wing of the museum to accommodate a commercial kitchen, ADA compliant bathrooms and basement storage. A gravel overflow parking area will also be constructed in the rear of the property. A motion for approval was made by Mr. Agronin and seconded by Mr. Sobczyk. Unanimous. Carried

No. 7085 – Town of Cambria – Moratorium
Request by the Town of Cambria Town Board for the Planning Board to review a Local Law extending the existing 9-month Moratorium on Utility-Scale BESS Systems within the Town for an additional 9 Months. Abraham Platt, Town Attorney was present to discuss the moratorium extension. Mr. Platt explained that an extension is requested to allow for time to analyze recent case law regarding BESS siting as part of the ongoing update to the Town's BESS regulations. A motion for approval was made by Mr. Garrow and seconded by Mr. Sobczyk. Unanimous. Carried.

4. Old Business –
   NYSDOS Training Seminar: Wednesday, October 21, 2026 – Courses include a SEQR refresher and Hot Button Land Uses: Data Centers & Battery Storage topics. Attendance is encouraged for those who have not yet completed the annual 4-hour training requirement.

5. New Business
   Correspondence – The Board reviewed SEQR lead agency correspondence from the Town of Pendleton.

Adjournment – A motion to adjourn the meeting was made by Mr. Machelor and seconded by Ms. Tamburlin at 3:28 pm. Yes 8, No 0. Carried.

Respectfully submitted,

Margit Denning

Margit Denning, Recording Secretary