



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, September 21, 2026 – 2:00 p.m.

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

Members Absent: Michael Carney

Staff Present – Nathaniel Bonafede

1. The meeting was called to order at 2:00 pm.
2. Approval of the August 17, 2026 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.
3. Niagara County Planning Board Referrals

No. 7070 – Town of Lockport – Site Plan, Area Variance

Request by Metzger Engineering on behalf of Eric Bogart for the Planning Board to review a site plan and area variances to allow for construction of three 11,000 sq. ft. high bay storage buildings as part of a small business development park at 6013 Robinson Rd. The project was previously reviewed and has been re-referred due to site plan changes, which necessitate a variance for front and rear yard setbacks. The property is 3.8 acres and is zoned B1, Local Business Use District. Mike Metzger was present to discuss the project. Mr. Metzger provided an overview of the site plan changes. The proposed curb cut has been shifted slightly to the west to accommodate a larger stormwater retention area at the foot of the site. The parking lot has been altered to provide wider drive aisles. There were minimal changes to the buildings themselves. The proposed rear building was shifted five feet closer to the rear lot line, and a bump out was added to the front facing of the east and west buildings to accommodate bathroom facilities. The site alterations require area variances for front yard setback (65' proposed; minimum 75' required) and rear yard setback (5' proposed; minimum 10' required). A NYSEG right of way with power lines present is located directly behind the site. Board members discussed whether the shift towards the rear lot line could impact the NYSEG lines. Mr. Metzger noted that the proposed building sits only five feet closer to the rear lot line than the previously approved version, which was 10' from the property line. GIS measurement shows the power lines as being roughly 50' from the property line. A motion to recommend approval was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

No. 7071 – Town of Lockport – Site Plan, Area Variance

Request by Charles Dahlke for the Planning Board to review a site plan and area variance request to allow for the construction of a 7,040 sq. ft. addition to the existing storage building located at 6989 S. Transit Rd. The property is 4.8 acres and is zoned B2, General Business Use District. Charles Dahlke was present to discuss the project. Mr. Dahlke stated that an 88' x 80' addition to the existing storage building at the eastern end of the site is proposed. The business is a sauna supply company whose operations are expanding, which created a need for additional on-site storage space for sauna parts and accessories sold by the company. The site has frontage on S Transit Road and Tonawanda Creek Road. A front yard setback variance is required due to the proposed building's proximity to the property line along Tonawanda Creek Road (25' proposed; 50' required). Mr. Dahlke added that a small lean-to type structure is proposed at the rear of the existing building. The Board inquired as to whether any other portions of the site were considered for the addition. Mr. Dahlke explained that the proposed location was selected since it allows for direct connection to the existing storage building, utilizes the existing driveway and requires no additional pavement, and is located farthest from the adjacent Erie Canal and the South Transit and Tonawanda Creek Road intersection.

Mr. Dahlke added that they presented to the Town Planning Board on two separate occasions, where no concerns of note were raised, and are scheduled to present to the Town Zoning Board at the September 22 ZBA meeting. A motion to recommend approval was made by Mr. Garrow and seconded by Mr. Agronin. 7 Yes, 1 No (Machelor). Carried.

No. 7072 – Town of Wheatfield – Zoning Text Amendment

Request by the Town of Wheatfield for the Planning Board to review a zoning text amendment updating maximum wall height and building height, as well as setback requirements for accessory structures within the Town's RNB, RW, R-1, R-2 and R-3 zoning districts. No representative from the Town was available to attend. Mr. Bonafede shared information received from the Town. The Town is proposing to reduce the allowable accessory structure height (measured to peak) within non-agricultural residential districts from a maximum of 20' to 16', as well as to add an accessory structure wall height restriction of 10' max. The amendment also increases setback requirements as accessory structure wall heights reach and exceed 8'. The proposed amendments apply to the Town's Rural Neighborhood Business, Residential Waterfront, Residential-1, Residential-2 and Residential-3 zoning districts. They do not apply to the Agricultural and Rural Residential districts, nor do they apply to any commercial or industrial zones. The Town had indicated that the proposed amendments are a response to an increasing number of oversized accessory structures locating within the Town's residential zoning districts. A motion to recommend approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 7073 – Village of Lewiston – Special Use Permit

Request by Nicole Ferrari for the Planning Board to review a Special Use Permit to allow for operation of a dog grooming business within the detached garage located at 360 N. 2nd Street. The property is less than 1 acre and is zoned R-1a, Medium Density Residential-Single Family. Nicole Ferrari, Camille Davis-Ferrari and Mike Marino were present to discuss the request. Ms. Ferrari explained that they are looking to establish a dog grooming business within the detached garage on the property. They will tie into the existing utilities serving the residence on the property. There will be no exterior alterations to the garage. A special permit is required in order for the business, which the village has categorized as a "personal service establishment", to operate in the R-1a zone. Mr. Marino stated that they have received positive recommendations from the Village Planning and Zoning Boards, and will seek final approval from the Village Board of Trustees after a County recommendation is issued. The Board had no concerns. A motion to recommend approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

No. 7074 – City of Lockport – Site Plan Review

Request by The Reid Group for the Planning Board to review a site plan to allow for the construction of a 7,500 sq. ft., two story warehouse/office building, and a 2,550 sq. ft. addition to the existing maintenance building, additional trailer parking and a stormwater collection management system at 100 West Genesee Street. The property is 5.0 acres and is zoned MLI, Mixed Light Industrial. Steven Reid was present to discuss the project. Mr. Reid explained that the property was once segmented into several parcels which have since been combined into a single parcel under the 100 West Genesee address. He went on to provide an overview of existing operations on the site. The company is a transportation fuel marketer which also operates various retail stores and gas stations across the region. On site operations include maintenance of the company's trucks and trailers used for transportation of fuel. The company is looking to increase the size of their tank trailers, and are requesting to construct the 2,550 sq. ft. addition in order to accommodate them. Seven trailer parking spaces are also proposed. Mr. Reid noted that the maintenance building addition and trailer parking area are located on the existing paved area of the property. He noted that no welding or interior maintenance on trailers would be performed at this site. Also proposed is a 7,500 sq. ft. two story building in the rear of the site, along with additional surface parking. The first floor of the building will serve as warehousing space and the second floor will be office space. Mr. Reid explained that the building will support an anticipated expansion of operations in the future. He added that, due to a sharp drop-off at the rear of the property adjacent to the canal, extra fill and a retaining wall are required. The Board, noting the increase in impervious surface and the property's proximity to the canal, inquired about runoff control. Mr. Reid explained that the proposed improvements will direct runoff to a retention area in the back portion of the property, which will then discharge it into the City's sewer system. Stormwater will not be discharged directly into the canal. A SWPPP has been drafted and the NYSDEC will be engaged in the process. Ms. Tamburlin noted the site's proximity to the Prospect Street Bridge and asked if any impacts to the bridge are expected. Mr. Reid stated that development will be set back significantly from the bridge and no impacts are anticipated. A motion to recommend approval was made by Mr. Garrow and seconded by Mr. Ohol. A discussion ensued. It was noted that the version of the SEQR Environmental Assessment Form submitted with the referral appeared

to be outdated. The Board advised that the most recent version of the EAF form be completed. Mr. Bonafede asked whether the NYS Canal Corporation has been engaged in the planning process. Mr. Reid replied that they have not yet engaged with the Canal Corporation, but plan for future collaboration. He noted that an easement along the rear of the property is proposed to accommodate potential future extension of the Erie Canal Trail. The motion is for a recommendation of approval. The Board, noting comments, voted on the motion. Unanimous. Carried.

No. 7075 – Town of Cambria – Zoning Text Amendment

Request by the Town of Cambria for the Planning Board to review a zoning text amendment seeking to clarify and revise the Town's accessory building allowances on larger parcels within the Town's A-R zoning district, as well as to explicitly recognize the pre-existing protections afforded to farm operations within a certified agricultural district as it relates to the Town's regulations of accessory buildings in such areas. Abraham Platt, Town of Cambria Attorney, was present to discuss the amendment. Mr. Platt stated that the current version of the code is difficult to interpret, and the proposed changes provide a more explicit interpretation of the Town's accessory structure requirements. He added that the local agriculture and comprehensive planning committees recommended the Town increase allowable accessory structure size given the agricultural nature of the Town, which is reflected in the amendments. Additionally, a clause stating compliance with New York State Agriculture & Markets Law was added. Mr. Platt explained that the clause is designed to reduce instances of misinterpretations of the code that may negatively impact agricultural operations within certified agricultural districts. Mr. Garrow, noting that the amendment appears to be a protective measure being undertaken by the Town, made a motion to recommend approval. The motion was seconded by Ms. Tamburlin. Unanimous. Carried.

No. 7076 – Town of Cambria – New Local Law, Zoning Text Amendment

Request by the Town of Cambria for the Planning Board to review a new local law and zoning text amendment seeking to transfer special use permit jurisdiction from the Zoning Board to the Planning Board. Abraham Platt, Town of Cambria Attorney, was present to discuss the request. Mr. Platt stated that the Town is seeking to transfer special use permit jurisdiction to the Planning Board to streamline the review process, as the Planning Board already has jurisdiction over site plan review, which often coincides with special use permit review. Mr. Bonafede added that Planning Boards more commonly have special permit review jurisdiction. A motion to recommend approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

No. 7077 – Town of Niagara – Site Plan, Special Permit, Use Variance

Request by Verizon for the Planning Board to review a Use variance, Special Use Permit, and Site Plan to co-locate and operate a "micro cell" wireless telecommunications facility on a utility pole adjacent to 8405 3rd Ave. There was no representative present. Mr. Bonafede informed the Board that referral of this request is not required per the inter-municipal agreement between the County Planning Board and the Town, although the project was placed on the agenda at the Town's request. As with previous micro cell proposals, there are questions as to whether a use variance is required since the pole is located within a public right of way. Mr. Garrow noted that the proposal appears consistent with prior micro-cellular applications the Board has ruled favorably on, and asked whether the Board should consider returning the application for local determination given its location. Mr. Bonafede clarified that this would be a no significant impact ruling, and advised that the Board may consider such ruling as long as no significant inter-municipal nor countywide impacts are found to be associated with the request. Mr. Garrow made a motion to report that the request has no significant inter-municipal or countywide impacts. The motion was seconded by Mr. Machelor. Unanimous. Carried.

No. 7078 – Town of Lewiston – Moratorium

Request by the Town of Lewiston for the Planning Board to review a proposed six (6) month moratorium on Commercial Battery Energy Storage Systems within the Town. No representative was present. Mr. Bonafede informed the Board that the six month moratorium includes an option for a six month extension. The moratorium applies to standalone commercial scale battery storage, solar associated battery storage, and any expansion of an existing system or modifications that will increase storage capacity or changes the facility's fire safety characteristics. The moratorium does not apply to residential scale systems, emergency or backup batteries serving critical infrastructure, temporary systems used for emergency response or disaster recovery, as well as maintenance or replacement of components of a lawfully existing system that does not increase capacity or change its fire safety characteristics. The Board noted that several BESS

moratoriums have been passed in recent months as municipalities continue to refine their local laws. A motion to recommend approval was made by Mr. Agronin and seconded by Mr. Collard. Unanimous. Carried.

4. Old Business – None

5. New Business

- Mr. Bonafede informed the Board of the upcoming NYSDOS Training Seminar hosted by Niagara County. The training is scheduled for Wednesday, October 21, 2026 and will take place at the Niagara County Center for Economic Development Conference Room. Topics TBD. All County Planning Board members are encouraged to attend in order to meet the four credit hour training requirement. Additional information is forthcoming.

Adjournment – A motion to adjourn the meeting was made by Mr. Collard and seconded by Mr. Garrow at 2:40 pm. Yes 8, No 0. Carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N. Bonafede', with a stylized, flowing script.

Nathaniel Bonafede, Planning Board Staff