

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.



7105 Lockport Road
Niagara Falls, New York 14305

PHONE: 297-2150
FAX: 297-9262

TOWN OF NIAGARA PLANNING BOARD MEETING MINUTES

September 6, 2022
(Approved at the October 4, 2022 meeting)
7:00 pm
Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Renee Grant
Mike Murawski
John Polka

BOARD MEMBERS EXCUSED:

IN ATTENDANCE:

Jim Churchill
Charles Grieco
Chuck Haseley
Gerald Hathaway
Edward Hatten

Mike Risman
Mike Rotella
Rick Sirianni
David Stillinger
Kristen Stillinger

The meeting was called to order at 7:00 pm

I. PRESENTATIONS:

Presentation #1- Covanta Environmental Solutions, LLC

Darek Teeters, General Manager/Vice President of Operations

Project Location: 8335 Quarry Road

**SEQR
Preliminary Site Plan Review
Tax Map # 132.13-1-4**

Town of Niagara

Darek Teeters is requesting a preliminary site plan review to reconstruct a 5000 square-foot steel building to process non-hazardous liquid and containerized wastes. The property is located on the south side of Quarry Road between Miller Road and Quarry Road.

Tax Map Number: 132.13-1-4

Mrs. Hathaway commented that there is a SEQR and the DEC is the lead agency and not the Town. Mr. Hatten agreed.

Mr. Hatten said he is the Director of Operations and he introduced Jim Churchhill, Architect, and Charles Grieco, Attorney.

Mr. Hatten said they operate a solid waste facility that manages waste that is converted to fuel and/or transferred to a landfill. It is all non-hazardous waste that they take in to the facility. They plan to take down a building on the property and replace it with a new building. The new building will house a shredder which will make it more efficient to process some of the drums which come into the facility.

Mrs. Hathaway asked what type of process they are doing now. It was stated that they take in liquids for solidification and/or take over to the incinerator on Energy Boulevard. It is called liquid direct injection material so it helps maintain and regulate temperature within the incinerator. They said they also take solid waste or sledges that need to be mixed. They solidify waste with diaper material and sawdust to make a waste fuel that can be utilized at the incinerator for blending to generate steam and make electricity. The waste that the plant cannot accept is taken to a landfill.

Mrs. Hathaway said she noticed there would be a pit located on the site. It was stated that it will be a solidification pit. They currently have two pits within the facility now, but they are not recessed pits. The new facility will have a 5-foot deep pit which would allow them to mix in a contained area.

Mr. Polka asked, in terms of processing, what would be different with what the applicant is proposing and what is being done now.

- The expansion will enhance efficiency and will be able to handle more material.
- They increased the flashpoint of the materials that they are going to handle so it is less dangerous than some of the materials they are currently handling.
- The existing facility has two contained pits which are at floor level. They are DEC approved lined pits with steel plates to protect it.
- They are adding a production area and will construct a 5000 square foot building to the facility which is 2600 feet more than the current facility.
- When the pallets of materials come in they would be transported in a covered concrete walkway so if there are accidents or a spill it will be contained in the area.
- There is a soft bed of pavement and stone on the property and trucks are parked there. It will be refined and will be green space.
- Trucks will be able to be backed up into the building so they will be in containment when they are dumping into the pit.

Mrs. Hathaway asked how the waste would be packaged up when leaving the building. It was said that the waste would be in a lined and sealed truck that can handle that material.

Mrs. Granto asked if they have a shredder now. It was said they do not have a shredder at the facility now. They said instead of manually handling the drums with their excavator or by hand to dump them, the shredder will help to increase the efficiency by shredding the drums and creating the solid waste.

Mrs. Hathaway asked if there would be a scale to make sure the weight would be recorded for transfer. It was said at this time they don't have a scale that is in use on their property. They said previously they had utilized the neighbor's property and scale, but now they are scaling off site. They closed on a property across the street recently and are looking into putting one on this parcel that they just purchased.

Mrs. Hathaway asked if they had a lease. It was said that they had a lease to park on the property. It is undeveloped with the exception of a small parking lot. They are parking the employee cars across the street at the parcel. They spoke to Chuck Haseley and they need to redo a special use permit for accessory parking for employees.

Mrs. Hathaway asked about using sawdust. It was stated that sawdust is occasionally used, but the diaper material is a much better solidification agent.

Mrs. Hathaway asked if there was ever a fire in the past caused by the combination of things. It was stated that there was a fire in 2019 that was caused by a 3rd party contractor with some welding that was done in the facility.

Mrs. Hathaway asked what the possibility is of a fire happening. It was stated that it is a fairly light hazard.

Mr. Polka stated that the process is not changing other than increasing the volume and asked why the need for the zoning change. It was stated that it was because this is light industrial and when the town amended its zoning code the solid waste facility is only allowed in a heavy industrial district and because they are expanding by about 2500 square feet out and under zoning code to expand they need to rezone.

Mr. Polka said there is also zoning variances. It was stated that they need a DEC operating permit and a special use permit and are asking that the terms and conditions for the DEC permit, that they need to get to operate, would be incorporated into a special use permit and/or the operating permit. The DEC has not approved the permit yet, but are in the process of doing that.

Mr. Polka asked about expanded hours of operation. They currently have a permit that allows the time of 7:30 am to 4:30 pm. They are requesting 7:00 am to 10:00 pm. They are looking for a second shift so they can solidify material on the second shift.

Mr. Polka asked about vehicle traffic and what the increase would be. It was stated that they will probably double the amount of trucks from 10 to 20 trucks per day.

Mrs. Grant asked if they are having the class 3B liquid now. It was stated that they do bring that in and state it as more hazardous material.

Mrs. Grant asked what would happen if there was an explosion. It was stated that there will be a fire catching system. There is a foaming system for the pit which is the high hazard area. There will be a sprinkler system for the rest of the facility. The most hazardous thing in the building would be the diapers because they contain a lot of plastic and have higher heat and combustion.

Mrs. Hathaway read a section on page 8 of 13 of the NYS Department of Environmental Conservation SEQR.

Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?

It was answered "Yes". It then states the following: *If Yes: Product (s) to be stored.* Nothing was answered for this question.

It was stated that they have no underground storage. All of their tanks have a double wall containment within itself and is contained within the building with the volumes that are required by the DEC.

Mrs. Hathaway asked where most of the trucks come from. It was stated that most of the trucks come from manufacturing facilities, brokers throughout the State and some from Canada.

No further comments.

Mr. Polka made a motion with regards to the rezoning recommending a rezoning from light industrial to heavy industrial with a special use permit supporting the fact that it is essentially an expansion of the existing process and the fact that the existing facility is under light industrial and non-conforming use.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mr. Murawski, Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mr. Polka made a motion recommending:

- **approval of the preliminary site plan subject to the zoning changes being obtained,**
- **the zoning variances being identified and being obtained,**
- **all of the hard surface be non-permeable materials to the extent that their existing, as in the front of the building, would remain,**
- **the green space as shown on the plan would be retained or expanded,**
- **there will be an emphasis on increased landscaping as appropriate in the front,**
- **Department heads and Town engineer will provide a review and comments that will be incorporated in the final site plan.**

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mr. Murawski, Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #2- Paramount Hospitality/Hanan Samuel, Project Manager

Project Location: 8921 Porter Road

Town of Niagara

Samuel Massy is requesting a sketch plan review to develop a 61-room hotel. The property is located on the south side of Porter Road between Tuscarora Road and Niagara Falls Townline.

Tax Map Number: 146.18-1-13

SEQR

Sketch Plan Review

Tax Map # 146.18-1-13

Mr. Samuel, Project Manager, introduced himself along with his father, Samuel Massy. They are looking to start a 61 room hotel. They contracted with Choice Hotels International and will introduce their new concept of a dual hotel which will encompass an extended stay model and also a regular stay model. It will be a 30,000 square foot facility.

Mr. Polka asked what portion would be extended stay versus regular stay. Mr. Samuel said he is looking at splitting it down the middle. It will be around 31 regular stay rooms and 30 extended stay rooms.

Mrs. Hathaway stated she noticed only one entrance. Mr. Samuel said if you see any of these models it is always one entrance so you would go to the same desk for whatever reservation you'd have.

Mrs. Hathaway questioned about the traffic going in and out. Mr. Samuel said there would be one entrance/exit.

Mr. Granto asked about an entrance in the back of the building and Mr. Samuel said it is a service entrance.

Mrs. Hathaway said having only one entrance/exit could be an issue in an emergency. Mr. Polka agreed and said there should be multiple entrances especially with a facility this large.

Mr. Samuel said this plan is very preliminary and they will work with the architect on the issue.

Mr. Polka asked if there would be a swimming pool. Mr. Samuel said they haven't worked the swimming pool in yet, but will try and accommodate an indoor pool.

Mrs. Granto asked if there would be a restaurant. Mr. Samuel said no.

Mr. Polka asked what the difference is between extended stay and regular stay. Mr. Samuel said the extended stay would have a kitchenette.

Mrs. Hathaway said the roof is 30 feet and the tower is 50 feet. She asked if that meets the code. Mr. Haseley said it probably will not and a variance would be needed.

Mr. Polka asked if there would be any other variances at this time and it was stated that parking is in question now. They have 63 parking spaces and 7 handicap spaces.

Mr. Polka asked if the building would have a sprinkler system. Mr. Samuel said yes.

Mr. Polka asked about the rear buffer requirement and Mr. Samuel said they have 15 feet.

Mrs. Granto asked if they have to have certain parking for bus or tractor trailers coming in. Mr. Samuel said technically no and that it is not a requirement. He said if they find the space they can put it in, but right now they are not.

No further comments.

Mr. Polka made a motion recommending:

- Sketch plan approval subject to the applicant making application to the Zoning Board for the Zoning Board variances and determination if any other variances that may come up as the plans are refined.
- Plan to display an additional entrance on the west side of the facility so there would be two entrances.
- Review the fire department requirements with regards to fire hydrant location, and fire department hookups to the building.
- Address the landscaping
- As the project advances the information needs to go to the department heads and Town engineer for review and comment and include those comments in the final site plan.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mr. Murawski, Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #3- Discussion-Wayside Nursery Inc. /Michael Rotella, Vice President

Project Location: 7431 Porter Road

SEQR

Discussion/Preliminary Site Plan Review

Minor Subdivision/Combination of Lots

Tax Map #'s 145.12-3-32 & 34

Town of Niagara

Michael Rotella is requesting to add to their business (Wayside Nursery, Inc.) and expand at 7431 Porter Road. The property is located on the South side of Porter Road between Recovery Road and Packard Road.

Tax Map Numbers: 145.12-3-32 & 34

Mrs. Hathaway stated that she drove by the property and she saw that they have a small vehicle to move dirt around. She said that the project was not approved or disapproved yet. Mr. Rotella said he is just grading.

Mrs. Hathaway said when Mr. Rotella was before the Planning Board the last time he said he changed his mind from the first time and would be using the building and house that is there. Mr. Rotella said that is correct. Mrs. Hathaway asked if that building is ADA compliant. Mr. Rotella said he thinks anything can pretty much meet those guidelines as long as it is retro filled accordingly.

Mrs. Hathaway noticed on the drawings that there were 20 by 20 landscaping material storage bins. Mr. Rotella said those are for stone and mulch materials. They are made of concrete blocks.

Mr. Polka asked if there would be fencing around the building. Mr. Rotella said a privacy fence would be in the back around the residential area. It would only be on one side. They will plant trees along Recovery Road.

Mr. Polka asked about a fence around all of their product. Mr. Rotella said that is the intent over time, but there will be no fences other than what is indicated on the west side of the property.

Mr. Polka asked if there is any reason why the asphalt discontinues in the middle of the storage space. Mr. Rotella said because he figured the bulk of materials would be in the first 5 bins. He said at Wayside they now have bins that are in the stone area in the back of the yard and not on asphalt. He said the main bins for mulch and stone would be on asphalt areas.

Mr. Polka asked if loading would occur on the hard surface. Mr. Rotella said that is correct. Mr. Polka said he is concerned that there would be sinking in and the mud would get kicked up and carried out onto the road. Mr. Rotella said he knows and understands how that goes and he doesn't want to make a mess of the road.

Mrs. Hathaway asked if they have plans to dress up around the house. Mr. Rotella said they are a landscape business and they want it to look nice. He plans on doing painting, upgrading with a porch, and landscaping.

Mrs. Hathaway asked if he had trees in the back of the property. Mr. Rotella said yes it was mostly Ash trees. Mrs. Hathaway said it is barren now. He said eventually they will have evergreens along Recovery Road to buffer the road.

Mr. Rotella said the intent is to eventually build a greenhouse on the east side and they would move all their perennials and nursery stock over to there.

Mrs. Hathaway asked if they will be open by next season. Mr. Rotella said not until the following season for nursery stock.

Mr. Polka asked if they have a planned egress for deliveries off of Recovery Road. Mr. Rotella said no and that everything is off Porter Road.

Mrs. Hathaway asked if electricity is in the building on the property. Mr. Rotella said yes.

Mrs. Hathaway allowed the two neighboring residents (David and Kristen Stillinger-7425 Recovery Road) in the audience to make comments.

Mr. Stillinger stated he lives across the street from the applicant's property. He said there are bulldozers that have been running and the place was clear cut in a matter of 4-5 days in early December. They said it totally destroyed their quality of life. He said people are coming down Young Street now and the headlights from the vehicles shine right in their front door and front bedroom window. He said he hears a lot of "eventually" and of intentions over time from the applicant without solid plans. He is concerned that they are looking at just a place to dump stuff without a plan for building. He said without a barrier the prevailing winds will cause stone, sand, wood chips and other landscape materials to go into his front

yard and on his house and the neighbors houses. He said he is not against development in the Town, but this project needs to be done right. Mrs. Stillinger said she is also concerned and stated how the problems changed the quality of life for them and their neighbors and how there seems to be no solid plan in place.

Mr. Polka asked Mr. Rotella if the trees that were cut down were dead. Mr. Rotella said they were pretty much dead and they were all Ash trees. Mr. Stillinger said a lot of the Ash trees were dead, but there was a lot of undergrowth and that prevented the lights, noise, dust, etc., going onto their property.

Mr. Polka said it makes sense not to leave dead trees, but there needs to be a solution to satisfy the residents concerns.

Mr. Rotella said it is all commercial property and every house on Recovery Road is zoned commercial. He said they want to be a good neighbor and will come up with a plan to address the concerns. He said he is going to put up a vegetation barrier. They do not want to be exposed to the neighbors and want to have a secure site.

Mrs. Stillinger asked if they can add a fence on Recovery Road. Mr. Rotella said no and that he will not add a fence. He said there is no reason for him to do that. He said they are adding a vegetation barrier as shown on the plan. He said he would put in 6-foot trees to start with and they would take time to grow. He again stated they are all commercial property and he asked Mr. Haseley about it. Mr. Haseley told Mr. Rotella that they do have a development next to residential use and that it's not just a residential zone and that needs to be protected from commercial use. The code is very specific in regards to not just stating zoning, but use. He said the developer needs to make sure they put something in place to help the residential use. Even though it is commercial district, residential use cannot be infringed upon.

Mr. Rotella didn't know what else to do other than put in a berm with trees. Mr. Polka said if a fence were put up it could not be put out at the street because of a setback requirement with regards to the height of the fence. It could not be put on the south property line at Recovery Road because a 6-foot fence could not be up against the road. Mr. Rotella said the 6-foot trees and 4-foot berm gives 10-feet and would be much taller than a 6-foot fence. Mr. Polka said a fence would not accomplish what they are looking to accomplish. Mr. Haseley said that is correct. Mr. Polka said a berm of proper height and density of trees being planted would be a better solution.

Mr. Polka questioned about the drainage. He said when he looks at the existing elevations as to the proposed elevations it is only going up 6 inches. Mr. Rotella said he would ask his engineers about that. Mr. Polka said they might have water issues.

Mr. Stillinger said he lives across the street and just put \$40,000 into his foundation, part of which he had to put in drainage. He said the street does not drain. If there is drainage coming off of a parking lot that size it will get to the ditch and it won't go anywhere. Mr. Polka told Mr. Rotella they are going to have to retain the drainage.

Mr. Rotella said he already submitted drainage calculations to Chuck Haseley. Mr. Haseley confirmed and he said he does not have comments back yet, but will check on it.

No further comments.

Mr. Polka made a motion recommending to the Town Board for preliminary site plan review including the following:

- Comments need to be obtained from the Town engineers and department heads along with any requirements that they state to be included in the final site plan.
- Confirmation from the property owner that the site fencing is only going to be on the west side of the property which is what is shown.
- The building will address all of the ADA requirements, which the building renovations itself is not a Planning Board issue, but to the extent if there are ramps or anything that will be included it needs to be shown on the site plan.
- The landscaping needs to be addressed with regards to what the plans are in the front as well as addressing the resident concerns on Recovery Road with a berm and additional landscaping to provide a vegetation barrier.
- Confirm that the elevations as shown are accurate and that the elevation is only going to change by less than a foot from the existing elevations.
- Information with regards to retention and final drainage will be part of the Town engineers review.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mr. Murawski, Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway requested a motion be made to amend the August 2, 2022 Planning Board minutes. It stated that John Polka made the motion to approve the minutes from the July 5, 2022 Planning Board meeting, but it should have stated that Renee Granto made the motion. Mr. Polka was not in attendance at the July 5, 2022 Planning Board meeting.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mr. Collins, Mr. Murawski, Mrs. Granto, Mrs. Hathaway

NO- (0)

ABSTAIN (1) Mr. Polka

MOTION CARRIES

Mrs. Hathaway requested a motion be made to approve the August 2, 2022 Planning Board minutes as amended.

Mr. Polka made a motion recommending the approval of the August 2, 2022 minutes as amended.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)
ABSTAIN (0)

MOTION CARRIES

Mrs. Granto made a motion to adjourn the meeting at 8:43 pm.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (5) Mr. Collins, Mr. Murawski, Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

NEXT MEETING: Tuesday, October 4, 2022

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary