

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



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TOWN OF NIAGARA PLANNING BOARD MEETING MINUTES
(Approved at the November 1, 2022 Planning Board Meeting)

October 4, 2022
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:

Nick Batson	Gerald Hathaway
Francis Bue	Edward Hatten
Marty Cancilla	Mike Risman
Jim Churchill	Janine Rotella
Paul Dutka	Mike Rotella
Charles Grieco	David Stillinger
Chuck Haseley	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
Site Plan Review
Tax Map # 132.13-1-4

Town of Niagara

Darek Teeters is requesting a 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

Mr. Hatten said he is the Director of Operations and is representing Covanta along with Jim Churchhill, Architect, and Charles Grieco, Attorney.

Mr. Hatten said they amended the letter of intent to include the parking across the street as a temporary parking area as per conversation with Chuck Haseley. They revised the map to show where the parking is located. On September 28, 2022 they received a letter from the State DEC stating their application was complete and a negative declaration was on file.

Mr. Hatten confirmed he received a report from the Town of Niagara Water/Sewer department on September 13, 2022. Mr. Hatten said they paid to have tests done which indicated a problem with the water pressure being very low. He said they are making adjustments to their fire protection plan to account for that. They will likely require a storage tank on the parcel in order to fight a potential fire.

Mr. Hatten said he talked to the Niagara County Head Sewer Planner and they will send a letter saying the system in place is adequate for the additional employees.

Mr. Collins asked where the parking is currently and Mr. Hatten showed the area on the plans. He said it is an existing unimproved and temporary graveled area. They will look at developing it in the future.

Mr. Polka reviewed the notes from the last Planning Board meeting on September 6, 2022 and asked the following questions to Mr. Hatten.

- Will all the hard surfaces on the south side be repaved? Mr. Hatten said yes.
- Will the green space be retained or expanded on the east side? Mr. Hatten said yes.
- Will there be an emphasis on increasing the landscaping as appropriate in the front of the property? Mr. Hatten said yes.
- Will the department head issues be met? Mr. Hatten said yes.

Mr. Murawski commented that the whole project is basically Covanta doing more of what they are already doing now. Mr. Hatten said they will be doing exactly what they are already doing only on a bigger scale. The shredder is the only piece of equipment that will be in the new building that will be used as opposed to previously doing the work by hand. The process is the same only the shredder will be more efficient and they will be able to accomplish more work.

Mr. Murawski asked if they periodically get inspected by any government agencies. Mr. Hatten said the DEC, the Town, or any public entity can come in at any time.

Mr. Polka asked about the zoning variance. Mr. Hatten said it is for the height of the building which is 40 feet and the zoning limit is 35 feet.

No further comments.

Mr. Polka made a motion recommending the Zoning Board approve the zoning variance request for the building height to be from 35 feet to 40 feet.

Mr. Murawski seconded the motion.

ROLL CALL:

- YES- (5) Mr. Collins, Mr. Murawski, Mrs. Grant, Mr. Polka, Mrs. Hathaway
- NO- (0)
- ABSTAIN (0)

MOTION CARRIES

Mr. Polka made a motion recommending final site plan approval as requested subject to the applicant:

- Attaining the zoning change requested from light industrial to heavy industrial
- Obtain the zoning variance with regards to the building height
- All non-permeable materials to the extent they exist be upgraded
- The green space be retained or expanded
- Emphasis of increased landscaping as appropriate in the front of the property
- The department heads and town engineer comments and requirements be met

Mr. Murawski seconded the motion.

ROLL CALL:

- YES- (5) Mr. Collins, Mr. Murawski, Mrs. Grant, Mr. Polka, Mrs. Hathaway
- NO- (0)
- ABSTAIN (0)

MOTION CARRIES

Mr. Polka made a motion recommending approval of the special use permit for the auxiliary parking on the north side of Quarry Road on the existing graveled area.

Mr. Murawski seconded the motion.

ROLL CALL:

- YES- (5) Mr. Collins, Mr. Murawski, Mrs. Grant, Mr. Polka, Mrs. Hathaway
- NO- (0)
- ABSTAIN (0)

MOTION CARRIES

Presentation #2- Wayside Nursery Inc. /Michael Rotella, Vice President

Project Location: 7431 Porter Road

**SEQR
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 she received Mr. Rotella's latest drawings. She stated that everything seems to be on the drawings that had been discussed from the past Planning Board meetings.

Mr. Rotella stated that last month they spoke of a berm in the back of the property and they are proposing to place 12 blue spruce trees and 12 (12 to 14 foot) red maple trees that will be located on Recovery Road.

A resident in the audience stated that he had an understanding that there was a plan for a driveway to be coming from Recovery Road. Mr. Rotella said he doesn't think that was ever discussed. He wants the access off of Porter Road and has no plans to put an access on Recovery Road.

Mr. Rotella said the berm is about 4 feet and the grasses he will put in will grow to about 6 feet tall. The blue spruce will grow about 40-50 feet tall.

A resident asked how far back the berm will be in relation to the ditch. Mr. Rotella said about 40 feet. He said between Recovery Road and the berm there will be a minimum of 30 feet.

A resident stated there is currently a lot of regrowth going on now and asked if that is going to be left on the property. Mr. Rotella said they are grading for drainage now and once that is done they will see. Once it is all regraded they will build a berm that will be a lawn area.

A resident asked why a 10 to 15-foot berm of trees couldn't be left and not cleared away so that they could have avoided a berm. Mr. Rotella said a lot of the trees were ash and not good trees. He prefers to plant new trees.

A resident showed pictures of what it looked like before the applicant cleared the property of the trees and after pictures of what they now view from their houses. The resident felt there was a lot of good growth that was there and blocked the view. The resident said the 4-foot berm does not stop car lights shining from Porter Road into their windows at night time. They are now seeing nothing but lights and commercial buildings and hearing the road noise that never existed before.

A resident asked if the blue spruce is a fast growing tree. Mr. Rotella said they are. On the 4-foot berm they are planting 5-foot blue spruce and will also have maple trees.

The residents want Mr. Rotella to visit their residences to witness the lights and listen to the noise. They are concerned that the 5 foot and 9 foot trees will take 20 or more years before they grow to block anything. Mr. Rotella said he wants to be a good neighbor. He will plant lawn and a nice mulch berm with grasses and colorful trees and it will look a lot better. He said the footage along Recovery Road is probably around 280 feet and the berm will probably be around 200 to 220 feet. He said 18 trees will be placed there and will average 1 tree at about every 12 feet. He will work with the residents on this if it needs to be expanded.

A resident asked what will be on the property. Mr. Rotella said he will operate his nursery out of there. They will be moving their original nursery and will sell mulch, stone, flagstone, trees, etc. The tree beds will take up space and will give coverage.

A resident asked if there will be any plans for a fence because people are cutting through there from Recovery Road to Porter Road. Mr. Rotella said he does have plans for some fence on the left side for the westerly neighbor. He does not show a fence elsewhere on the plans, but does plan on having one in the future. He does not want people walking on his property and does want to protect his nursery stock.

A resident asked about the swale that he said Mr. Rotella said was fixed. He said the swale doesn't drain and the drainage comes in their yards. Mr. Rotella said they are working on that now. The resident said he hasn't fixed anything and Mr. Rotella said he would make sure that they get the proper drainage work done.

Mrs. Hathaway asked about the large area on the plans that is labeled gravel. She asked what will be done with that area. Mr. Rotella said it will be for the overflow of hard goods that they will not be using all the time.

Mrs. Hathaway asked of Mr. Rotella's plans for perennials and annuals and Mr. Rotella showed where that area would be. He said eventually on the easterly side he will have nursery stock like shade trees for retail sales which will also serve as more coverage on Recovery Road.

A resident asked about the house and its use and commented that they feel the property will be a place to just store trucks and equipment, stone, mulch, wood chips, trees, etc. and not as a business, but just used as a storage facility. Mr. Rotella said the house will be used as an office and eventually they hope to purchase a greenhouse structure. He said they do not have permanent plans for it yet, but they hope to down the road.

Mrs. Hathaway asked if they will be expanding the business. Mr. Rotella said he doesn't know how much more tree and shrubs they will bring on, but will do more of the perennials. They will do more retail. They are not sure if they need it to be much bigger than what they have now.

Mrs. Hathaway asked about what they will have in the house. He said the house will be used for nursery sales and as a landscape design office. The store will eventually be part of the greenhouse they will build in the future. He said they will start now with nursery sales, hard goods, and landscape sales out of the office and store trees and perennials, etc. The plan is to move Wayside Nursery to the new location. They would like to expand and have different types of landscape rocks and boulders. He said they cannot grow under their current location and it is not visible to customers.

Mrs. Hathaway asked if Mr. Haseley had any comments. Mr. Haseley said the Town engineers looked at the project and had some minor comments. The revisions were resent to them by the applicant. A call was made to the Bob Lannon to include the new site plan with regards to the berm. The comments are forthcoming, however, the original comments were minor.

Mr. Rotella made a comment that 12 to 15 foot trees will be along the property in the front and will grow to about 25 feet which will provide additional coverage.

A resident asked if there will be lighting on the property and if that will be something else that will impact the quality of life for the residents. Mr. Rotella said there is going to be site lighting and there will be 4 lights. He said they typically shut the lights off at 11:00 pm. He would not have the lights shine outward, but will shine downward. They will mostly be on the front side of the property in the paved area.

A resident asked what the future fence would be like. Mr. Rotella said it probably will be a chain link fence with privacy slats.

A resident said he had concerns of the wind tunnel that now directly impacts their homes with dust, debris, and snow.

Another concern the residents had was regarding the hours of operation that would take place on the property. Mr. Rotella said Monday through Friday the hours would be approximately 7:00 am to 5:00 pm and in the Spring until 6:00 pm. On Saturdays they would start at around 8:00 am and work half a day.

The residents asked for consideration on the issues and Mr. Rotella assured the residents he would work with them and wanted to be a good neighbor.

Mr. Rotella thinks the berm would help considerably and will extend the berm if need be and will do what he can. He said he will make sure that the swale is fixed and everything is draining properly. He will seed it now and get some growth until Spring.

Mrs. Hathaway commented and said her personal opinion is they accomplished a good amount at this evening's meeting and she would like to see a little give and take. The business is going to go on and Mr. Rotella is going to make it better than what he had and it is his dream. She said the residents have their homes and that is their dream. She said everyone has to work together so that it is nice for everyone. She said the Planning Board has done their job working on it and it is a much better plan that what was shown at the first meeting. Mr. Rotella agreed.

No further comments.

Mr. Polka made a motion recommending a negative declaration on the SEQR.

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 on the site plan as submitted and revised on September 26, 2022 and submitted to the Town on September 27, 2022. The comments of the Town engineers and department heads would be met based on the final site plan, the ADA requirements will be addressed, the landscaping needs will be addressed with regards to the plans as well as addressing the residents' concerns on Recovery Road. The plan does indicate a berm on the south side of the property with some extensive vegetation planning approximately 4 feet above the existing grade. The area behind the berm between the berm and the road will be a grass cut lawn. The lighting will be down lighting to minimize any stray lighting off the property. Any further expansion with regards to additional buildings or fencing will require additional Planning Board 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

Mr. Murawski made a motion to approve the minutes from the September 6, 2022 Planning Board meeting.

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. Murawski made a motion to adjourn the meeting at 7:57 pm.

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

NEXT MEETING: Tuesday, November 1, 2022

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary