

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 December 6, 2022 Planning Board meeting)

November 1, 2022
7:00 pm
Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Renee Grant
Mike Murawski

BOARD MEMBERS EXCUSED:

John Polka

IN ATTENDANCE:

Nick Batson	Art Jocoy
Jim Churchill	Jarret Johnston
Nicholas Conde	Kevin Kirk
Lisa DeValentino	William Knox
Betty Falbo	Nancy Lory
Sean Ferry	Peter Orzetti
Charles Grieco	Vicki Orzetti
Gerald Hathaway	Mike Risman
Edward Hatten	Rick Sirianni
Marvin Henchbarger	

The meeting was called to order at 7:00 pm

Mrs. Hathaway stated the Planning Board meets the first Tuesday of every month at 7:00 pm. She stated the procedures in which the applicants will explain their presentation and what the purpose is. The Planning Board members will ask questions regarding the presentation. Following the presentations Mrs. Hathaway stated she will open the meeting to the audience for statements or questions. Each individual has 3 minutes to speak with no repetition of what others have spoken. Following the audience comments the Planning Board will then make their recommendations.

Presentation #1-Covanta Environmental Solutions, LLC/Darek Teeters, CES Vice President/General Manager

Project Location: 8335 Quarry Road

**SEQR (DEC Lead Agency)
Reaffirm Recommendation Final Site Plan
& Recommendation Siting Permit
Tax Map # 132.13-1-4**

Town of Niagara

Darek Teeters is requesting to reaffirm final recommendation not referenced in the October 4, 2022 Planning Board meeting and a request to consider an additional motion and recommendation to include siting permit. 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 stated that the Planning Board has previously met with the applicant and since then there have been some changes. The Planning Board decided to table the presentation until the December 6, 2022 meeting so that they will be able to review all the changes prior to the meeting.

Mrs. Granto made a motion to table the presentation until the December 6, 2022 meeting.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #2- Nicholas Conde, Applicant and Owner

Project Location: 182 Porter Road, Rt. 182

**SEQR
Sketch Plan Review
Tax Map #-145.12-2-9**

Town of Niagara

Nicholas Conde is requesting a sketch plan review for his intent to prep his parcel of land for the use of a roadside stand. His property is located on the north side of Porter Road between Young Street and Tuscarora Road.

Tax Map Number: 145.12-2-9

Nicholas Conde provided each of the Planning Board members a copy of the sketch plan for review.

Mr. Conde stated he would like to clean the front of his parcel which requires some tree and brush removal, grass cutting, a new culvert pipe, and a compacted stone and grass area for the leasing of the property. He said there will be a roadside stand in the front of the land for a farmer from Coulter Farms.

Mrs. Hathaway asked if Mr. Conde will be following the codes for road stands that Mr. Haseley has discussed with him. Mr. Conde said yes.

Mrs. Hathaway asked if the individual renting the land would be using a permanent structure or just a truck. Mr. Conde said it would be a truck.

Mrs. Hathaway asked if produce would be set up in the morning and taken down in the evening. Mr. Conde said the farmer is trying to build himself a little trailer that will be loaded back at the farm and then he would drive it in and open the doors to sell fruits, vegetables and canned goods.

Mrs. Hathaway asked if he will clear back 80 feet from the property line. Mr. Conde said yes and it would be heading north. Mrs. Hathaway asked if there will be paved black top and Mr. Conde said he wants to do a paved area on the skirt. He also said he has the paperwork from the Town for the culvert pipe.

Mrs. Hathaway asked if he planned to clean out the drainage since there is a lot of debris. Mr. Conde said he plans to do that and said he has to get permission from the DOT and also the DEC because the east side is wetlands.

Mr. Conde said the parking area will be compacted stone. He would like to leave a grass area there with stepping stones and split rail fences. Mrs. Hathaway asked if there would be a berm and Mr. Conde said he'd like to do a berm on the wetland's edge, but it is up to the DEC on what they require him to do.

Mr. Murawski asked about the timeline of the project and Mr. Conde said he'd like to do something by Spring. Mr. Conde said he has to check with the farmer on how long he will be running things. There is the possibility that they might sell Christmas trees.

Mrs. Granto asked if there would be any facilities on the property such as an outhouse. Mr. Conde said if there needed to be one there he would not have a problem with it, but he would probably put a 6-foot fence around it.

No further comments.

Mrs. Granto made a motion recommending a negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mr. Murawski made a motion recommending approval of the sketch plan.

Mrs. Granto seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

**Presentation #3- Jocoy's Collision-Arthur Jocoy, Applicant and Owner
Advanced Design Group (ADG)-Kristin Savard, PE, Representative for applicant**

**Project Location: Jocoy's Collision
6410 Packard Road**

**SEQR
Sketch Plan Review
Tax Map #'s-145.15-2-5 & 145.15-2-3.1**

Town of Niagara

Kristen Savard is requesting a sketch plan review for Applicant, Arthur Jocoy. Mr. Jocoy would like to construct a new pole barn for personal use as well as self-storage structures in the rear yard at SBL: 145.15-2-3.1. The proposed project also includes a property line revision between SBL: 145.15-2-5 and SBL: 145.15-2-3.1, both of which are owned by Arthur Jocoy (Jocoy's Collision Inc.) The property is located on the west side of Packard Road between Military Road and New Road.

Tax Map Numbers: 145.15-2-5 & 145.15-2-3.1

Jarret Johnston introduced himself along with Sean Ferry who are both engineers for the project and represent the owner and applicant, Arthur Jocoy. Mr. Johnston said the project site is Jocoy's Collision on the corner of Packard Road and the 190 ramp. He said there are currently 3 parcels and he would like to do a lot line revision, build a pole barn and 2 self-storage buildings behind on the adjacent vacant property. The proposed use would be self-storage. He said storm water structures would be implemented as well which would be compliant with the DEC. They will also be asking for a variance for the front storage building. The approved setback is 60 feet from the front yard and they have a DOT right of way on the front property. Currently, they are setback 26 feet from the front yard property line, but that is without approving the DOT right of way. They will be removing an existing building that is on the property line now. Once they get the survey back they will have an accurate location for that.

Mrs. Hathaway asked if the self-storage is for the applicant. Mr. Johnston said it is and he will be leasing the self-storage units.

Mrs. Hathaway says she does not see any security fence around the area. Mr. Johnston said yes there would be a fence around the perimeter. Mrs. Hathaway asked if there would be a security gate and Mr. Johnston said yes. He said there will be a lock box at the front and a fire department lock box as well so they will be able to access it in case of emergencies.

Mr. Hathaway asked how large the area is around the billboard and if they plan on putting a fence around it. Mr. Johnston said the billboard company currently leases out a portion of the property from the owner. He said it is not a separate parcel and on their property, so there is no set distance required for any setback. The building will not be impeding on that billboard.

No further comments.

Mrs. Granto made a motion recommending a negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)
ABSTAIN (0)

MOTION CARRIES

Mrs. Granto made a motion recommending approval of the sketch plan.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #4- Uniland Development/Kevin Kirk, R.A.

Project Location: 3401 Military Road

**SEQR
Preliminary Site Plan Review
& Re-subdivision
Tax Map #- 131.19-1-45**

Town of Niagara

Kevin Kirk, Director of Planning and Design of Uniland Development Company, is requesting the following 4 actions for the project located at 3401 Military Road.

1. SEQR determination
2. Re-subdivision (minor)
3. Rezoning
4. Site plan review (preliminary)

The property is located on the East side of Military Road between Lockport Road and Woodside Place.

Tax Map Number: 131.19-1-45

Mr. Kirk, Director of Planning and Design at Uniland Development, stated that the proposed property is 25.9 acres and approximately a quarter mile south of the intersection at Military Road and Lockport Road. The neighboring uses to the site include the existing railroad to the north, single family residential and commercial to the south, single family residential to the east and commercial to the west. There are 2 access points to the site, one off Military Road and a second access along Woodside Place. The 25.9 acres currently owned by Uniland is zoned R3. They are proposing to rezone 16.34 acres along the west to a Light Industrial and the 9.56 acres to the east would remain as Residential 3.

Mr. Kirk said the proposed rezoning request is to allow for the development of industrial building. Their proposed development is for a 150,000 square foot building to be built in 2 phases. Phase one would be 75,000 square feet. The second phase would be tenant driven and the time frame would be unknown at this point.

Mr. Kirk said the building dimensions are 375 feet long by 200 feet wide for each phase. The building height would be 30 feet with a maximum 34-foot height façade at the peak of the slope. It will be a pre-engineered steel building with an exterior that would include blue insulated metal panels with a CMU base. Parking for phase 1 would consist of 87 car parks. Phase 2 would add another 93 for a total of 180 spaces. They do have trailer parking on the site plan in phase 1 and includes 14 spaces of trailer parks. Phase 2 would be up to 56 which would be a total of 70. He said this is completely tenant driven. If the

tenant does not want the trailer parking it would not be built. He said they just want it shown on the site plan in case they ask for it.

Mr. Kirk said deep docks will be located along the north side of the building. It was designed this way to keep docks along the railroad tracks. Trucks will enter the site off Military Road heading north keeping them as far away from the adjacent residential properties. Mr. Kirk said the setbacks are along the south side of the property line. The required setback is 35 feet and they have 60 feet from the parking spaces to the property line. He said the required setback for the building is 100 feet to the adjacent residential and they have 140 feet from the south side of the building to the property line.

Mr. Kirk said they are currently working with a tenant named Fairview Fittings and they are currently located at 3777 Commerce Court in Wheatfield. They are an international manufacturer and distributor of fittings and hoses. At the building they will be doing distribution, assembly and packaging of retail products.

Mr. Kirk stated since their last visit before the Planning Board in June 2022 they have been working with consultants on the civil drawings. They have had a traffic study that showed no significant adverse traffic impacts projected at any of the area intersections. They did have minor signal adjustments that were recommended at the intersections at Military Road and Packard Road during the P.M. peak hour.

Mrs. Hathaway went over the recommendations that Mr. Polka made at the June 7, 2022 Planning Board meeting noting the following:

- No egress onto Woodside Place from the proposed development.
Mr. Kirk verified that is correct.
- The R3 area shown on the proposal will remain R3.
Mr. Kirk verified that is correct.
- Provide information with regards to traffic entering and exiting off of Military Road especially in light of the viaduct and changing grades for vehicles.
Mr. Kirk verified that is correct.
- Verify the hours of operation.
Mr. Kirk said 7:30 am to 4:30 pm.
- Maintain in the design the vegetation buffer to the residential properties to the south.
Mr. Kirk verified that is correct. He said the intention there is that 60 feet of space between the parking and there is all maintained as existing vegetation with the existing trees. Mrs. Hathaway referred to the section on the plans regarding the Demolition and Erosion Control- C-001. In the demolition notes #5 it says: Remove all trees and stumps as shown and dispose of all off site. Contractor to protect all trees, brush not disturbed by construction activity. Location of trees shown on plan are approximate. Contractor to confirm location prior to construction. Mr. Kirk said that is a general nice cover all note. He said he would have no problem getting a surveyor out there and maintaining as much of the trees and vegetation as possible. Mrs. Hathaway stressed the importance of not stripping away the trees and vegetation and the many disadvantages for the neighbors. Mr. Kirk said he will maintain the vegetation as much as possible and Mrs. Hathaway stated that this is very important.
Mr. Kirk verified that is correct.

Mrs. Hathaway gave Mr. Kirk a copy of the comments from the Water and Sewer Department.

No further comments from the Planning Board members.

Mrs. Hathaway allowed members of the audience to state their comments and/or questions.

William Knox- 6218 Woodside Drive

Mr. Knox said he has been on the property and the surveyors already violated the 60-foot buffer and have taken down quite a bit of trees. He said the apron is approximately 50 feet wide and there is only 24 feet from the guardrail to the nearby property. He asked how trucks can pass each other or pull in and out. He also questioned if there would be a retail outlet on the property and if this would be the case there will be people going in and out constantly. He commented that the nearby bridge makes it hard to see what is coming and it being a hazard. He said he has been in contact with the Army Corp of Engineers regarding the amount of wetland on the property, but on the FEMA's page you will find the whole front of this project is underwater.

Marvin Henschbarger- 3150 Sadlo Drive

Ms. Henschbarger said she lives across the street from where Uniland is proposing its project and she is not in favor of it. She does not like her friends and neighbors having this industry in their backyard. If it goes forward as R3, which includes the roadway that the Woodside residents were concerned about, will it remain that way if there is nothing put in the agreement between Uniland and the Town Board that indicates that the buffer between Joanne Circle and the warehouse if it's not specifically stated being a buffer in perpetuity. What would prevent someone from coming through there in a few years changing things and no one remembers there is supposed to be a buffer. She also said someone can come in and buy the property and make the roadway not the only access to and from that piece of property. She asked if something would be put in an agreement that keeps the buffer and the land behind the homes on the south side. Ms. Henschbarger also stated her concerns if Uniland sold or leased the property and people came in and were doing something inappropriate nearby neighbors back yards. She said if people coming in do not have to go through the Town Board to get approved then people can do whatever they want without ever having any warning. She would like all this to be in writing.

No further comments.

Mrs. Granto made a motion recommending a negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Based upon the Planning Boards decision, Mr. Murawski made a motion to table the presentation until all of the comments from the town engineers and department heads are received, reviewed and addressed before going forward with the next step.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (4) Mr. Collins, Mr. Murawski, Mrs. Grant, Mrs. Hathaway
NO- (0)
ABSTAIN (0)

MOTION CARRIES

Mr. Kirk asked if he could address some of the concerns that were stated by the nearby residents. Mrs. Hathaway agreed.

Mr. Kirk said the surveyors were there and they tried to remove as minimal as possible. He said what was done was surveyors work that was required. Anything that was done cannot be reversed, but going forward they will make sure to maintain as much as they possibly can.

Mr. Kirk does not think there is any intention for retail on the site, but he will double check.

Mr. Kirk said they have had preliminary studies done by their wetland consultants and he said if this whole project was on wetland they wouldn't be standing there now. He said they are pretty confident that the area shown as wetland in the northeast corner of the property is the area of concern and it does not affect this project. He said they will follow this up with documentation.

Mr. Kirk said he doesn't think there would be an issue long term with R3. He said he will check with their ownership group, but as far as putting that as a restriction saying that has to be maintained as R3 as part of this rezoning would help.

Mr. Kirk addressed an additional concern regarding lighting from a resident in the audience. He said the lighting will be along the roadway which would be minimal with the light shining down. They will have pole lighting that will stay on site.

Mr. Kirk addressed an additional concern from a member of the audience regarding trucks idling on the property. He said no trucks would be idling and there would only be 4 trucks on a daily basis.

No further comments.

Mrs. Hathaway stated that this Planning Board meeting will be the last meeting for Renee Grant as she is retiring from the Planning Board. She stated that Mrs. Grant has been with the Town almost 18 years and started as a recording secretary to the Zoning and Planning Board and then applied as a Planning Board member. Mrs. Hathaway congratulated Mrs. Grant on behalf of the Planning Board. She wished her and her husband well and thanked her for her service. Everyone applauded in agreement.

Mr. Murawski made a motion to approve the minutes from the October 4, 2022 Planning Board meeting.

Mrs. Grant seconded the motion.

ROLL CALL:

YES- (4) Mr. Collins, Mr. Murawski, Mrs. Grant, Mrs. Hathaway
NO- (0)
ABSTAIN (0)

MOTION CARRIES

Mr. Murawski made a motion to adjourn the meeting at 8:00 pm.

Mrs. Granto seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

NEXT MEETING: Tuesday, December 6, 2022

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary