

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 January 3, 2023 Planning Board Meeting)

December 6, 2022
7:00 pm
Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Mike Murawski

BOARD MEMBERS EXCUSED:

John Polka

IN ATTENDANCE:

Nick Batson	Bob Lannon
Chuck Haseley	Julia O'Sullivan
Gerald Hathaway	Eugene Pucci
Edward Hatten	Mike Risman
Marvin Henchbarger	Rick Sirianni

The meeting was called to order at 7:02 pm

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

Project Location: 8335 Quarry Road

SEQR (DEC Lead Agency and Negative Declaration)
Final Site Plan Review
Recommend Re-zone LI to HI
Recommend Special Use Permit
Tax Map # 132.13-1-4

Town of Niagara

Darek Teeters is requesting approval for Final Site Plan, recommendation for re-zoning for LI to HI and recommendation for special use 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

Julia O'Sullivan, Attorney from Bond, Schoeneck and King PLLC, stated she is looking to reaffirm previous recommendations the Planning Board issued on September 6, 2022 and October 4, 2022 in relation to the rezoning and the special use permit as well as the recommendation of the final site plan approval. Mr. Hatten, Director of Operations for Covanta, stated that this site is different from their Covanta Energy site being that they do not take municipal waste like common household trash. He stated that they have put

in their public comments with the State DEC and entered all documents on a website through the DEC. He said the Town has all the waste streams and packets that they provided to the Planning Board, Town Board, and Zoning Board.

Mr. Hatten said that they had a meeting with Chuck Haseley and the Town Engineer and he said there are a few things that need to be ironed out with the setbacks and a fire plan for the department heads.

Mrs. Hathaway asked Bob Lannon, Town Engineer, if he completed everything as the DEC revised permit status.

Mr. Lannon said it is to his understanding that the DEC is lead agent and they have issued a negative declaration for the project from the SEQR part of the discussion and they have now, what he believes, a complete permit application. Mr. Lannon spoke to the DEC and they are waiting to schedule a public information meeting. There needs to be a discussion of all the permit zones different from the SEQR. He said they had a discussion with the designer and they need more information on the storm water system. There was also discussion regarding the fire lane and if it needs to be modified in relation to the setback requirements on the southern part of the property. Mr. Lannon said the building will have a sprinkler system, but there is lack of information regarding the existing water line that services the facility. He said they spoke about the septic tank and the holding tank and they believe the Health Department has approved that and are waiting for documentation.

Mrs. Hathaway had a discussion about tabling the presentation until next month until everything is out and taken care of.

Ms. O'Sullivan requested to have the project approved subject to being able to work with the Town engineer to fix the issues discussed today. She said by doing this it would not delay the process any longer. She said the DEC issued a negative declaration and has not withdrawn it. She said there is nothing prohibiting the Planning Board from making a recommendation subject to the conditions being met.

Mr. Murawski said we have done that in the past by approving a project based upon those provisions being taken care of and addressed. He would like to see the project go through being that the applicant has been before the Planning Board four times. He is not in favor of postponing the project for another month.

The Planning Board and Mr. Risman discussed the options of approving based on the issues being addressed and Town department approvals all being in or tabling the project until next month. It was decided that a motion be made to approve the final site plan contingent on all of the issues being addressed and all department approvals being in.

No further discussion

Mr. Murawski made a motion to recommend approval of the final site plan based on addressing the areas that the Town engineer has addressed regarding rezoning, the site plan, and the variances.

Mr. Collins seconded the motion.

ROLL CALL:

YES- (3) Mr. Collins, Mr. Murawski, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mr. Murawski made a motion to recommend approval of the special use permit based on all the recommendations by the Town engineer to be complied with.

Mr. Collins seconded the motion.

ROLL CALL:

**YES- (3) Mr. Collins, Mr. Murawski, Mrs. Hathaway
NO- (0)
ABSTAIN (0)**

MOTION CARRIES

Presentation #2- 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. Re-zoning
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

Mrs. Hathaway stated that Mr. Kirk has requested the presentation be tabled because they have a lot more work to be done prior to the next presentation.

Mr. Murawski made a motion to table the Uniland presentation.

Mr. Collins seconded the motion.

ROLL CALL:

**YES- (3) Mr. Collins, Mr. Murawski, Mrs. Hathaway
NO- (0)
ABSTAIN (0)**

MOTION CARRIES

Mr. Murawski made a motion to approve the minutes from the November 1, 2022 Planning Board meeting.

Mr. Collins seconded the motion.

ROLL CALL:

YES- (3) Mr. Collins, Mr. Murawski, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway said the Town Supervisor would like all the Boards in the Town to meet at the same time, so all future Planning Board meetings will now start at 6:30 pm and not 7:00 pm.

Mr. Murawski made a motion to adjourn the meeting at 7:29 pm.

Mr. Collins seconded the motion.

ROLL CALL:

YES- (3) Mr. Collins, Mr. Murawski, Mrs. Hathaway

NO- (0)

ABSTAIN (0)

MOTION CARRIES

NEXT MEETING: Tuesday, January 3, 2023

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary