

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

January 3, 2023
(Corrected) Minutes (Approved at the February 7, 2023 Planning Board Meeting)
6:30 pm
Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Mike Murawski
John Polka
Eugene Pucci

BOARD MEMBERS EXCUSED:

IN ATTENDANCE:

Betty Falbo	Vicki Orzetti
Gerald Hathaway	Mike Risman
Marvin Henchbarger	Lou Terragnoli
Kevin Kirk	Rick Sirianni

The meeting was called to order at 6:30 pm

Presentation #1- Lou Terragnoli representing PEM LLC-Quicklee's Inc.

Project Location: 6021 Porter Road

Town of Niagara

SEQR
Signage Plan Review/Area Variance
Tax Map # 145.14-3-2.111

Lou Terragnoli, representing Quicklee's Inc., is requesting a signage plan review and area variance for the property located on 6021 Porter Road on the South side of Porter Road between Military Road and Niagara Falls city limits.

Tax Map Number: 145.14-3-2.111

Mr. Terragnoli stated that the Travel Center project is currently under construction and is before the Planning Board this evening with a signage package with the following requests.

The Travel Center is permitted to have one sign on the building and they are asking for a total of three signs. (2 signs on the front (north) entrance and exit points of the building and one sign on the rear (south) of the building at the entrance and exit. All signs would be labeled Quicklees.

Mr. Polka asked why two signs on the front of the building as opposed to just one. Mr. Terragnoli said they are looking at the aesthetics and the fact that it has another entrance and would help customers identify another entrance to the building.

Mr. Polka asked if these signs would be blocked by the canopy and not able to be seen from the road. Mr. Terragnoli said they would be a little bit underneath the canopy and partially blocked, but you would still see them.

Two Quicklee's canopy signs to be on the front to identify that it is a Quicklee's fuel brand from two different directions of traffic. They are asking for one Quicklee's identification on the diesel canopy and also a sign with numbers that will correspond with the lanes for the diesel traffic. They want to provide clarity as to what is and what is not a lane for truck drivers. The sign is approximately 9.7 feet larger than what is allowed. The vertical dimension of the proposal is 32 inches high and only 24 inches is allowed. The increase in size for the signs would make it more visible from the road and easier to see. At the rear of the site (south side) the sign is 9 square feet larger than what is allowed. For the truck/bus wash building the Town code allows one sign on the building which they will have on the north side of the building to identify it. They are asking for two additional directional signs. One on the entrance side on the east side of the building and an exit sign on the left side of the building. The Town code does not allow the entrance and exit signs and they are asking for these signs to be part of their package.

Mr. Pucci asked if the signs would be lit up and Mr. Terragnoli said yes.

Mr. Terragnoli said there is a total of five free standing signs. There is a pole sign at the front of the property identifying as a Quicklee's Travel Center and another identifying regular and diesel fuel. They are asking for a panel for each of their two tenants they are planning for the inside of the travel center. The last panel would be a truck and bus wash. It would be 20 square feet more than what is allowed by code which is 100 square feet. It is 185 feet off the right of way. The Town code says they need to be a minimum of 10 feet so they are not in need of a variance.

Mr. Terragnoli said one of the amenities in the back south side of the site is a Cat scale where the trucker community can weigh their cargo. Those signs are bigger than what the Town code allows so they need a variance for the sign. It is 8 square feet larger than the 100 square feet that is allowed. The Town code states any signage has to be a minimum of 8 feet off the ground and they are asking for 1 foot and 1/8 inch lower than that. This will allow the truckers to pull up and be able to make selections as to how they could pay for their cargo at window level without having to get out of their truck.

Mr. Terragnoli said they would like to have a highway sign on the east of the property line approximately 190 feet from the road. A variance would be needed for the sign. It would be a total of 926 square feet which is 100 square feet more than the 826 square feet allowed. The sign would be a total of 115 feet total height which is 90 feet more than what the Town code allows.

Mr. Polka asked what that billboard is in size relative the billboards that are out there. Mr. Terragnoli said he did not know. Mr. Polka said it sounds like it towers over them.

Mrs. Hathaway asked if they have to get authorizations from NFTA and the airbase for something this high. Mr. Terragnoli said yes and that Mr. Haseley is working with him on this.

Mr. Risman asked Mr. Terragnoli if he has FAA approval being that they're next to an airport. He said he has not, but Mr. Haseley is working on that. Mr. Risman said it would be Mr. Terragnoli's responsibility to do so and/or to have their architect or engineer talk to the FAA. Mr. Terragnoli said he would be happy to do so.

Mr. Polka asked if they need illumination at the top of the sign that is not tied to the grid for backup power. He said if power is out the sign is out and there are still planes that will be landing. Mr. Risman said Mr. Terragnoli's architect and engineer needs to check with the FAA regarding this.

Mr. Terragnoli said the last two signs are smaller ground signs. One would be at the western exit that would direct truck traffic and educate them into just coming into the western exit. He said given the way the configuration is on the eastern curb cut that the DOT has limited them to the western side. They would like to have a sign there that says Quicklee's Truck Travel Center at the curb cut. They would need a variance for the sign and they would also need approval to have the Quicklee's brand stated on the sign.

Mr. Terragnoli also said there is a free standing sign that would go behind the building that would direct truck traffic to the diesel area and drive through.

Mrs. Hathaway said there are a lot of signs going up and they do not have any clue as to what they would look like. Mr. Terragnoli said he gave Mr. Haseley copies, but he had a copy with him and shared with the Planning Board for review. Mrs. Hathaway suggested that Mr. Terragnoli have copies for the Zoning Board when he presents before them.

Mrs. Hathaway asked if the lights on the signs show beyond the area that it is needed for. Mr. Terragnoli said he would provide a photometric. Mrs. Hathaway said there are some residents that live across the street and Mr. Terragnoli understood.

Mr. Polka said when they looked at the site plan they talked about the egress off of Packard Road. He asked if there would be any signs at Packard Road. Mr. Terragnoli said he is not proposing that at this time. He said Packard Road is for the whole plaza. He said although they have a legal right to that curb cut they do not have a legal right to put signage there. He said Packard Road and the land around it they do not own.

Mr. Polka spoke of the issues from a traffic standpoint, especially if buses will be coming from downtown and do not know the area. Mr. Terragnoli said he would speak to their landlord and if they grant them the permission to do something he will bring that information back to the Planning Board. Mr. Polka said the Planning Board recommends it.

Mr. Polka said there are a lot of questions that need to be answered. Mrs. Hathaway stated that the presentation should be tabled until they have more information.

Mr. Polka made a motion to recommend tabling the request for a recommendation of approval for the zoning variances subject to the applicant providing the following information.

- **Review of the FAA and NFTA airbase requirements with regards to the highway sign height as well as any elimination requirements required from an aviation standpoint.**
- **A photometric review of the signs on the residents on the north side of Porter Road**
- **Review of the eight of the proposed highway signs relative to the billboards in the area.**
- **A review of the potential for adding egress information off of Packard Road so out of town trucks and bus traffic in particular as well as personal vehicles would know that they can enter Quicklees off of Packard Road to avoid putting additional traffic in the six corners area and doubling back underneath the 190.**

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway told Mr. Terragnoli that on the letter of intent it was not marked as paid. Mr. Terragnoli said he did pay even though it was not indicated.

Mr. Polka mentioned about the change in egress for Aldi. Mrs. Hathaway said at the past Planning Board meeting the Planning Board agreed that the traffic would be off Porter Road for Aldi. On the drawing the DOT took it into their authority to put a concrete island there and that means no one will be able to turn in because of the island.

Mr. Polka said the traffic on Porter Road, which is the primary entrance way for Aldi will have to drive past Quicklees, turn in and drive between the pumps and the store which would be a safety issue.

Mr. Terragnoli said the DOT reviewed the traffic study and came back with a more restrictive position that what is presented now. They did not want a right hand turn in at all. The applicant updated the traffic study and the consultant said to leave the curb cut, but will do striping to make some longer left hand turn lanes. The DOT rejected it. Through several meetings they agreed to a left hand turn. He said they thought the traffic coming off the thruway could be backing up with cars making a left turn. The DOT would not approve anything other than what is presented. Mr. Terragnoli said Aldi's knows the change is coming and they did not object.

Mr. Polka suggested that the Planning Board point this out to the Town Board and suggest that maybe the Town engineer can explain the Town's position on this to the DOT.

Mrs. Hathaway said the majority of people who shop at Aldi's are senior citizens and it makes it difficult.

Ms. Orzetti, a Town resident, said she shops at Aldi's and does not like the way the entrance is.

Mr. Polka said the traffic from Quicklees will be backing out in the through traffic. Mrs. Hathaway said this is not appropriate.

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

Mr. Kirk mentioned that he asked to table the meeting last month and is asking the same for this meeting. He said they received the wetland report last week from their consultant, but there was not enough time to get it in before this Planning Board meeting. They will formally submit the report to the Town in the next week along with some additional information the Town requested such as:

- Updated civil plans with landscape adjustments
- Official response to the Town engineer comments

Mr. Kirk stated he would like to address some of the issues/questions that were brought up at the last meeting.

- The landscaping along the south property line- They do have a 60-foot space there which is more than the 25 feet that is required. They will maintain as much as they can of what is existing and that will be reflected on a new site plan that they will submit in the landscape plan.
- The site clearing was done in October by their surveyor. They did what was minimal to complete their work.
- The distance from the entrance to the adjacent property was brought up to the south. He said he is not sure if there is much they can do there, but there is an existing curb cut. That curb cut lines up across the street with North Whitman Drive and is also as far away from the overpass as possible. They are open to suggestions on where that location is, but they feel it makes the most sense for access to the site because it is the furthest away from the overpass.
- A full traffic study was done and submitted. Any development on this site would increase traffic. The current site is zoned R3 and they technically can build up to 375 units with the 26 approximate acres.
- Retail with tenant- The main purpose of the building for this tenant is a manufacturing warehouse. They will have minimal products sold on the site and that is for emergency parts.
- They had their consultant do a wetland delineation and received a report that they will be providing to the Town. It shows 1.1 acres of wetland that would need to be maintained.
- Concerns regarding long term development of the remaining 9 ½ acres- They do not have any intention of including that land in future rezoning or this rezoning. Their plan is to continue to use that as a buffer to the residential area to the east. He said he can't guarantee that land will never

get sold or that someone would never approach them to do some kind of residential development. He said if anyone did want to develop that land past the residential they would have to go through the same process which means there would be the right to refuse that development at that point.

- Concern about future uses if it were to be rezoned to light industrial- Mr. Kirk said there is code for a reason. The zoning specifically states those uses.

Mr. Polka asked why the property has to be zoned as light industrial versus just being commercial. Mr. Polka asked for a response for that at the next meeting. Mr. Kirk said he could verify that information at the next meeting.

Mr. Polka said he looked at the traffic and egress issues onto Military Road and he said the curb cut does line up with North Whitham Drive. He said it's more difficult to pull out of North Whitham Drive because the traffic is coming at you from underneath the viaduct. Mr. Polka said he feels the location proposed for the curb cut makes sense.

Marvin Henchbarger-Resident comments:

- A traffic study was reviewed and the traffic from Canada due to Covid stopped on March 18, 2020. It opened again on October 1, 2022. Every date that was found on the traffic study showed existing traffic conditions reported. They did Military and Packard Road, Military Road and Lockport Road, Military Road and North Whitham Road. Those studies were done on October 14, 2021, November 23, 2021 and September 1, 2022. The charts showed the existing data as having been taken care of on September 19, 2021 which means the entire study was done with no Canadian traffic which is significant. It is difficult to pull out onto the roads. This report does not accurately reflect what the traffic is now and what it was before Covid.

Mr. Kirk said he is willing to update the traffic study and if it is an important feature he will be happy to have their engineer address that.

Vicki Orzetti-Resident comments:

- It was stated that the wetland is only 1.1 acres, but when you go to the registry it shows the entire area as a wetland. She asked why Mr. Kirks amount is so much smaller.

Mr. Kirk said when they do online mapping it is done on a very general basis. Ms. Orzetti said the Army Corp of Engineers is in charge of wetland permits and not the DEC. Mr. Kirk said that is also part of the process and the Army Corp of Engineers will be involved. Ms. Orzetti said they have not received permits. Mr. Kirk said they are not there yet and that it is part of the process. He said he does understand that concern.

- Ms. Orzetti asked if all the water there will come over to the residents and what about all the natural habitat.

Mr. Kirk said the water will be addressed and that is why a civil engineer is hired. It is a State law that you can't defer water onto another site. He said he can promise that the water will stay and be properly drained.

Mr. Kirk said as far as wildlife it is a tough one because any development is going to change that a bit. He can say keeping 10 acres as a wooded area will help maintain some of that.

Marvin Henchbarger-Resident comments:

- If the project is recommended there should be something in writing in the agreement between the Town and Uniland to keep the buffer zone. This will protect the residents of Joanne Circle and Woodside Place for ever having something that would increase the traffic on a street with no sidewalks. It also provides a habitat for wildlife. Something should be in writing in the agreement so people in the future have the buffer there and that it is intended to stay there and not to be rezoned into something else.

Mr. Risman said the Town doesn't say you can never develop your property. Marvin Henchbarger said the worry is if the property is sold. Mr. Risman said because it is R3 they can do any kind of commercial down the road. They would need a rezoning from the Town Board and/or a variance from the Zoning Board.

Mr. Polka said you have to be realistic and you can't just tell someone that owns property and pays taxes on the property that you no longer can develop that property. You would be taking the value of that property away from an individual or a corporation.

Mr. Risman said controlling the storm water on a site is a very serious thing in any development and will not change. It can't be dumped off on adjoining properties.

Mr. Polka said what happens to the 60-foot buffer of natural vegetation and how that can be preserved is a concern that could be addressed.

Mr. Murawski said everything is based on everyone following the codes, the laws and the rules that allow them to use that property and what it is designated for. They can only approve what is followed by the rules.

Marvin Henchbarger-Resident comments:

- Marvin Henchbarger appreciates that the Town wants to bring in business to help in terms of tax base, but when putting something in someone's back yard like this there needs to be a public hearing where people can at least express their concerns.

Mr. Risman said he thinks the Board and the applicant needs to have a public hearing on this. He said the applicant and the Board are not trying to rush through things and what is going on today is a public hearing and is recorded. The applicant is addressing questions, getting more information and working on it. There actually can be 3 or 4 more public hearing before this project goes before the Town Board.

Vicki Orzetti-Resident comments:

- Ms. Orzetti questioned about the egress onto Woodside Place and if it would be used in the current proposed industrial complex. Mr. Kirk said that there would be no traffic coming out into Woodside Place.

Mrs. Hathaway said not everyone is pleased with the motions that the Planning Board makes because we are doing it not for just one or two people, but doing it for the good of everyone.

Vicki Orzetti-Resident comments:

- Ms. Orzetti said that is why they bring up things such as possibly a signal light on Military Road to help with traffic out of their streets and address the water from the wetlands. They are bringing these things up to make it more likable and if things are worked out it helps the citizens as well as the new industry. She is just wanting compromise.

- Ms. Orzetti said she is making an appeal as her personal opinion asking to allow this project not to go through.

Mr. Risman said Mr. Haseley can give the storm water regulations, but it is the same for every project in New York State. Any property more than 1 acre that is developed has to have a storm water management plan approved by the DEC and the Town. They have to control the storm water and this has been a law for the past 15 years.

No further comments.

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

Mr. Collins seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (2) Mr. Polka, Mr. Pucci

MOTION CARRIES

Mr. Murawski made a motion to adjourn the meeting at 7:51 p.m.

Mr. Polka seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

NEXT MEETING: Tuesday, February 7, 2023

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary