

# 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** **(Approved at the 11/7/23 Planning Board Meeting)**

**October 3, 2023**  
**6:30 pm**  
**Meeting held at the Town Hall**

---

### **BOARD MEMBERS PRESENT:**

Barbara Hathaway/Chairman  
Dennis Collins  
Eugene Pucci  
Darlene Sullivan

### **BOARD MEMBERS EXCUSED:**

John Polka

---

### **IN ATTENDANCE:**

|                          |                  |
|--------------------------|------------------|
| Corey Auerbach           | Jarret Johnston  |
| Robert Burns             | Robert McDermott |
| Scott Buckley            | Mike Risman      |
| Rachael Glassnor         | Marc Romanowski  |
| Gunwant and Harpal Sodhi | Michael Rotella  |
| Gerald Hathaway          | Rick Sirianni    |
| DeAnna Hyche             |                  |

---

The meeting was called to order at 6:30 pm.

---

### **I. PRESENTATIONS:**

#### **Presentation #1- Gunwant and Harpal Sodhi**

**Project Location: 9701 Porter Road**

**Town of Niagara**

**SEQR**  
**Special Use Permit Request**  
**Tax Map# 146.19-1-3.1**

Mr. & Mrs. Gunwant & Harpal Sodhi are requesting a Special Use Permit for an in-house occupation at 9701 Porter Road. The property is located on the South side of Porter Road between Tuscarora Road and 98<sup>th</sup> Street.

#### **Tax Map Number: 146.19-1-3.1 and SEQR**

---

Mr. Sodhi stated his wife has a PHD and was a teacher when she came to the USA and she does painting. They are both retired now and wish to be involved in an activity to keep busy and spread the global language that is art.

Mrs. Sodhi says she does the painting in all mediums such as acrylic, oil, and mixed media. They would like to start a business traveling around selling artwork. Their intent is to spread out of the Town of Niagara and New York State. Their home office would be at 9701 Porter Road. They will name their business Art on Wheels. Mr. Sodhi said they are going to get an LLC in New York State.

Mrs. Hathaway asked about signage. Mr. Sodhi said they were told they could not have signage. He said they have a van and if it is allowed, they will put a title on the van. Mrs. Hathaway asked Mr. Risman if they are able to have a sign on their van if they travel place to place and they park in their driveway. Mr. Auerbach asked if it is a commercial vehicle. Mr. Sodhi said it is. Mr. Risman asked if there will be a sign at their house. Mr. Sodhi said they do not want people to buy at their house. Mr. Risman thought that commercial vehicles were not to be parked in a driveway. He said they can approve the Special Use Permit, but will have to wait for the sign question until Chuck Haseley returns to work from his vacation.

Mr. Auerbach said a special use permit does not authorize anything but the use. Mr. Pucci verified that they will have to wait until Mr. Haseley is back to determine if the van and the lettering on the side of the van is permitted. He understands that this does not have anything to do with the special use permit.

No further comments

---

**Mr. Pucci made a motion recommending approval of the Special Use Permit.**

**Mr. Collins seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)**

**MOTION CARRIES**

---

**Mr. Pucci made a motion recommending a negative declaration on the SEQR.**

**Mr. Collins seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)**

**MOTION CARRIES**

---

**Presentation #2- The Broadway Group, LLC represented by Marc Romanowski, Esq. of Rupp Pfalzgraf LLC and Christopher Wood, P.E.**

**Project Location: 9400 Lockport Road**

**Town of Niagara**

**SEQR  
Preliminary Site Plan Review  
Tax Map# 132.14-1-4**

Marc Romanowski, Esq. of Rupp Pfalzgraf LLC, and Christopher Wood, P.E. are requesting a Preliminary Site Plan Review for property on 9400 Lockport Road. The property is located on the north side of Lockport Road between Tuscarora Road and Haseley Drive.

**Tax Map Number: 132.14-1-4 and SEQR**

---

Mr. Romanowski stated that Chris Wood could not be joining the meeting tonight.

---

He stated that presented to the Planning Board is the most recent submission of a fuller package of the site plan associated with the Dollar General along with the issues of recommendation for the sub division approval along with the pending Tim Hortons site plan application.

Mr. Romanowski said at the last meeting one of the critical issues was the interconnection between sites. They came up with plan for an interconnection. Copies were submitted to the Planning Board members and lawyers.

Mr. Romanowski said the plans changed slightly as a result of trying to work out the interconnect between the two sites. He said the drainage was the biggest driver as to where they could put the drive and then the impact it had. The prior site plan for Tim Hortons had the retention pond along Lockport Road, but as a result of where to put the driveway to make it function reasonably well and also not create additional conflicts they had to put it along Lockport Road and interconnect the sites. He said the drive comes out of the front lot of Dollar General and cuts straight across and intermixes with the exit from the Tim Hortons, but retains the single curb cut location that was shown for that site previously. They did look at putting it further north and exit to Tuscarora Road, but that created conflicts with the drive through at the Tim Hortons.

Mr. Romanowski said there are no changes to Dollar General or the Tim Hortons site plans.

Mr. Romanowski said they were at the Zoning Board of Appeals last month just to introduce the conversation of the variance request for the reduced amount of parking for the Dollar General. He said the feedback was neither positive nor negative, but neutral. He said they feel strongly that the site does not warrant the 76 spots that the code requires.

Mr. Romanowski is asking, at the minimum, a recommendation for the subdivision. He said the sewage is the one issue that they have not received any real direction on as to whether the Town has any plans to increase the sewer capacity. He said they are prepared to put septic systems into both facilities if they cannot connect to the sanitary system. If something develops with the Town to connect to the sanitary they will, but if not they have a solution.

Mrs. Hathaway asked if Mr. Romanowski received the memo from Chuck Haseley. Mr. Romanowki said yes. He said there were minor comments on the storm water pollution prevention plans for both, but they are minor adjustments.

Mr. Pucci asked if the entrance in front of Dollar General is the main entrance to both properties or is it the one in front of Tim Hortons. Mr. Romanowski said it could be either or. He said both parties wanted to maintain their curb cuts. The change is to Tim Hortons as there is a road connected to it and it shifted slightly to the west so you do not have conflict with the cars. Mr. Pucci asked where on this does Tuscarora Road come out from the air base. The airbase was concerned for their employees. Mr. Romanowski asked if they are talking about Tuscarora Road South. The Dollar General alignment is slightly off from that. He said that has been before the county DOT for the last 4 to 5 months now and they follow up weekly with them. They do not seem to get any feedback stating it is problematic. He said the reason it is located there is that there is already a utility pole in the other location. They would have to move the utility pole and shift the whole site plan around. He said they did send a traffic study to the base. The peak hours that the facilities operate versus Amazon do not overlap. It does not create significant impact. Mr. Pucci said the idea of having both lots connected would take some of the strain off the entrances and exits. Mr. Romanowski said it would also help in the future development of the Tim Hortons site.

Mrs. Hathaway noticed that there is some greenery on the plans. Mr. Romanowski said they made sure they had a landscape plan showing vegetation in the front as per the previous request by the Planning Board.

Mrs. Hathaway said all the Dollar Generals nearby have a footprint and all of them have a recycle bin set up in the back. She said when it rains everything gets wet and the paper falls apart and the wind blows it all over the place. She asked if this situation could be remedied in this development. Mr. Romanowski said on the site plan there is a fenced in container for refuse. He said one box is for cardboard recycle items and one is for standard. Ms. Hyche said they are more than agreeable to increase the size of the fenced in area to allow for storage, as this will help for aesthetic reasons and for keeping the material contained. Mrs. Hathaway said that would be appreciated. Ms. Hyche said she agrees and would be glad to do that. Mr. Romanowski said as a condition on the site plan approval it could say no outdoor storage of certain materials other than the designated fenced in refuse area. He said that creates an enforceable condition for the Town that if Dollar General is not doing their job. Mrs. Hathaway said that would be good.

Mrs. Hathaway asked Mr. Risman if there was any word from the engineer. Mrs. Hathaway said she has a letter regarding the site plan and SWPPP dated September 15, 2023 to Mr. Haseley. It stated no revisions were found in the latest packet. Mr. Auerbach asked if the SWPPP was updated to reflect the modifications to the storm water drainage incidental to the driveway connection. Mr. Romanowski said no since this was recently developed. They are planning to do that along with responding to comments on the two SWPPPS. He said they wanted to first present the plan to the board and if they agreed, they would do all that as a follow up. Mrs. Hathaway asked if Mr. Romanowski submitted drawings to the engineers. Mr. Romanowski said not this revised site plan since everything came together at the last minute and this was just submitted this past Friday.

Mr. Auerbach said what they are really seeing is a concerted effort by the developer to respond to this boards comments specifically in relationship to the cross connection. He said he suspects there will be more development that will need to happen in relationship to that. Mr. Auerbach said it is a huge leap in the right direction and a sign of good faith by the developer.

Mr. Auerbach stated that any recommendation from this board is going to include a recommendation on the SEQR. He stated to the Planning Board that what he thinks the applicant is asking is if the Board is comfortable to advance the subdivision separately from the site plan. He said those things are unfortunately, both related to the SEQR. No word was received back by the county DOT yet, and work is to be done on the SWPPP. He said it is up to the Planning Board if they want to send only a portion of the recommendation to the Town Board or to wait until you have the information to feel comfortable in making a recommendation and then sending it to the Town Board.

Mr. Romanowski said they have spoken to the DOT and they did not comment, so their 30-day period is gone. Mr. Auerbach asked if the Planning Board feels they have enough information to decide whether or not there will be no potentially environmental impacts or whether there will be at least one potentially significant impact.

Mr. Romanowski commented that at this point what more information they are going to get. Mr. Auerbach said they still have not heard back from the County DOT yet. Mr. Romanowski said they would not. Mr. Auerbach said they still have not heard from the engineers on any modifications of the SWPPP.

Mrs. Hathaway stated she is a bit uncomfortable that the DOT has not yet responded, but she said there is one other step, which is the final site plan review, and it would have to be done before then. Mr. Romanowski agreed. He said in an effort to keep things moving forward it would be good to advance the subdivision and SEQR pieces. If the DOT comes back and asks for a driveway to be moved it would be a site plan tweak. He said based on their conversations with the DOT they do not have a particular concern.

Mr. Auerbach asked Mr. Romanowski if the traffic study took into account the proposed border patrol station on the Amazon site. Mr. Romanowski did not know. Mr. Auerbach asked to double check on that, as it may need to be updated. Mr. Romanowski agreed. Mr. Auerbach asked about responding to the Air Force base and if they were provided with a traffic study and Mr. Romanowski said they did already and they should have everything.

No further comments.

---

**Mr. Pucci made a motion recommending a negative declaration on the SEQR.**

**Mr. Collins seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)**

**MOTION CARRIES**

---

**Mr. Pucci made a motion recommending approval on the subdivision.**

**Mrs. Sullivan seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway**

**NO- (0)**  
**ABSTAIN (0)**

**MOTION CARRIES**

---

**Mr. Pucci made a motion recommending tabling the preliminary site plan review.**

**Mrs. Sullivan seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway**  
**NO- (0)**  
**ABSTAIN (0)**

**MOTION CARRIES**

---

**Presentation #3 – Wayside Nursery/Mike Rotella**

**Project Location: 7431 Porter Road**

**SEQR**  
**Preliminary Site Plan Review & Use Variance**  
**Appeal Request**  
**Tax Map# 145.12-3-33**

**Town of Niagara**

Michael Rotella is requesting a Preliminary Site Plan review and associated use variance appeal request for Wayside Nursery to construct a leasable industrial complex consisting of (2) buildings with (13) individual business tenant spaces which include office space and storage bays.

**Tax Map Number: 145.12-3-33 and SEQR**

---

Mrs. Hathaway asked Mr. Rotella if he received the memo from Mr. Haseley dated September 26, 2023. Mr. Rotella was not sure. Mrs. Hathaway stated it was from Mr. Beiter from the Town of Niagara Water and Sewer Department. A person from the audience (name unknown) said it was received and they just needed a permit.

Mr. Rotella said his plans are to develop a business unit complex for small businesses to rent and lease space there. It can be a bay storage space with a professional office.

Mrs. Hathaway said the last time Mr. Rotella was before the board they were going to expand Wayside Nursery and move the business to 7431 Porter Road. Mr. Rotella said this past year they have lost employees and they are hard to replace so they decided to keep Wayside where it is and do improvements.

Mr. Rotella explained that the new business would offer leasable space for professional businesses to operate their business. He said a small contractor that needs to store materials and have an office to work out of could do so. A dog groomer, a woodworker, a heating and cooling company, etc. are all examples of who can use the spaces.

Mrs. Hathaway asked about how these companies will advertise where they are. Mr. Rotella said he has not given that much thought, but said he did not plan to put any signage at the road. The only signage that Mr. Rotella would like to have is the name of the complex.

Mr. Pucci asked about the business having trucks and if they will be in the parking lot. He was concerned that the area would be used as a storage facility. Mr. Rotella said it would not be used as a storage facility. He said it would be a professional office and business facility. He said some of the businesses may have some vehicles for their business and may park inside or outside, but he is not too sure. He said there is quite a bit of parking available on the proposed site. He does not really have that information until a tenant comes along. He said the spaces are only 1300-1500 square feet and only intended for small businesses. Pucci asked if they can rent two spaces and Mr. Rotella said yes.

Mr. Pucci asked the status of the house on the Wayside Nursery property. Mr. Rotella said he does not know what he is going to do with the house yet. They were originally planning to make that their office. They considered keeping it

residential and rent the house. He said they definitely want to confine that space, do some improvements with the landscape, paint and fix it up. He said he is torn both ways as he feels it will block the property.

Mr. Pucci asked what type of landscaping there would be in consideration of the people on Recovery Road. Mr. Rotella said one of the buildings will be sitting parallel to Recovery Road and the building will be blocking a lot of the light and road noise from Porter Road. There will also be evergreens and spruce trees that will grow 30 feet tall.

Mr. Pucci said he lives on 3<sup>rd</sup> Avenue and he can see the storage unit lights shining and it is annoying. Mr. Rotella said there would not be lighting behind the building. He plans to put them all in the front of the building, which should light the site well. He prefers not to have parking lot lights if they do not have to so that the people on Recovery Road can have their privacy as well.

**Mrs. Hathaway read the following engineer report dated October 2, 2023 from Camie Jarell to Robert Lannon**

*7431 Porter Wayside Combo Business- They are requesting a revision to the project and a use variance (for occupiable office space). According to Charlie, they started work on the site under the previous approval and now want to change it. This is a completely different project. Instead of moving their business here, they want to build two buildings of light industrial tenant space with single bays and small office space for small businesses. They have two sanitary lateral into a common lateral to connect to at Porter. They have two individual water services (each building) going out the rear to Recovery Road. One comment is they have a dumpster with bollards and I assume the Town will want an enclosure. They revised the drainage. I am reviewing the new SWPPP now, but have some concerns on drainage. They have a catch basin detail, but no catch basins on the plan. The drainage is all sheet flow, which may be difficult, and I do not see roof leaders. Otherwise, they have a proposed pond in the back for those outlets to Recovery Road, which appears to have a small roadside ditch. It looks like the pipe needs to extend a little farther to the low point center of ditch, but the invert seems to match up. This is preliminary, so I would say comments are forthcoming.*

Mr. Rotella said they can make the dumpster pad and they can enclose all that. He said they do plan to have roof drains that would run to the pond, but any of the roof drain off would be piped and drained to the pond.

Mrs. Hathaway asked what the variance is for. Mr. Rotella said he did not know. He stated that Mr. Haseley said it, but he thought it was a business district and did not think he needed a use variance.

Mr. Auerbach asked Mr. Rotella if he filed for a use variance application. Mr. Rotella did not think so. Mr. Auerbach said that he would probably want to get a handle on that with Mr. Haseley once he gets back.

Mr. Auerbach said the next best step is for these comments to go to Mr. Rotella's engineer and to figure out the use variance and come back next month. He said at that point the Planning Board would be much more likely to be in a position to recommend.

No further comments.

---

**Mr. Pucci made a motion recommending tabling the presentation until more information is received.**

**Mr. Collins seconded the motion.**

**ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Hathaway, Mrs. Hathaway**

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

---

---

**Presentation #4 –Christopher Wood, PE of Carminawood Design representing Robert Burns, 4501 JDC LLC.**

**Project Location: 4501 Hyde Park Boulevard**

**SEQR  
Preliminary Site Plan Review/  
Re-subdivision/Combination of lots  
Tax Map# 130.15-5-1.1 & 1.2**

**Town of Niagara**

Christopher Wood, PE, representing Robert Burns of JDC LLC, is requesting a Preliminary Site Plan review, Re-subdivision/Combination of lots for 4501 Hyde Park Boulevard & adjacent lot. The current use is (H-1) Indoor Storage Facility and the proposed use is (H-I) Indoor-Outdoor storage facility. The property is located on the East side of Hyde Park Boulevard between Maryland Avenue and Niagara Falls city limits.

**Tax Map Number: 130.15-5-1.1 & 1.2 and SEQR**

---

Mr. Robert Burns will be presenting, as Mr. Wood could not attend.

Mr. Burns explained that he would like to combine lots in back and fence it in with a gate. He would have trailers back there, motor homes, etc.

Mrs. Hathaway said there are two paper roads. Mr. Wood said yes. He said Pennsylvania Avenue is not used by anyone and is a dead end street. He would like to purchase Pennsylvania Avenue from the Town and then fence it in completely different.

Mrs. Sullivan asked if there are any utilities on Pennsylvania Avenue. Mr. Burns said there are utilities there that run to the building that he owns. He said he would put the fence behind the utilities. Mrs. Sullivan's concern is land locking. Mr. Burns said he does not think that would be a problem.

Mr. Pucci asked what type of fence would be around the property. Mr. Burns said a chain link fence. Mr. Pucci said a fence with slats would be good for the people driving down Hyde Park. Mr. Burns said they could do that.

Mrs. Hathaway asked if Mr. Burns would purchase Penrose Street. Mr. Burns said he would purchase Pennsylvania Avenue and the street behind it.

Mrs. Hathaway said the building is big and there is a large area in back. She asked if there are lights back there. Mr. Burns said he has cameras and lights in the back. He said he would like to put some more lights in the back of the building.

Mrs. Hathaway asked how high the fence would be and Mr. Burns said 6 foot. She asked how people would get in and Mr. Burns said with a passkey.

Mrs. Hathaway asked if all the vehicles would be behind the 6-foot fence. Mr. Burns said yes and that it will be all closed off.

Mr. Auerbach mentioned about the recommendation of having some lighting in the back. Mr. Burns agreed.

Mrs. Hathaway asked if there are two man doors in the back. Mr. Burns said there are two man doors in the back of the building and an overhead door along the side and another in the front.

Mrs. Hathaway asked if Mr. Burns received the memo from the Water and Sewer Department. Mr. Burns said he did and everything was okay.

No further comments.

---

---

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

Mrs. Sullivan seconded the motion.

ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)

MOTION CARRIES

---

Mr. Pucci made a motion recommending the presentation be elevated to a final site plan review.

Mr. Collins seconded the motion.

ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)

MOTION CARRIES

---

Mr. Pucci made a motion recommending the re-subdivision and combination of lots.

Mr. Collins seconded the motion.

ROLL CALL: YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)

MOTION CARRIES

---

**Presentation #5** – James Baptiste, President, Anowara Architecture, P.C., agent for Norgen Bioteck Corp.

**Project Location: 7311 Porter Road**

**Town of Niagara**

**SEQR  
Preliminary Site Plan Review/Combination of Lots**

**Tax Map# 145.12-3-17 & 18**

James Baptiste, RA, AIA, agent for Norgen Bioteck Corporation is requesting a Preliminary Site Plan review and Combination of Lots for property located on 7311 Porter Road, which is located on the South side of Porter Road between Packard Road and Recovery Road. Norgen Bioteck’s intent is to purchase and improve the property, which includes a 2780 square foot addition to the existing building.

**Tax Map Number: 145.12-3-17 & 18 and SEQR**

---



---

Mr. Baptiste said his client wants to purchase this property. He said there is a lot of deferred maintenance. He said on the building now there are no gutters, downspouts, and it is overgrown. They want to purchase the building and fix it up. They would like to put an addition on the back that will accept truck traffic. This will be facing the side of the building and not the front and will be for deliveries. He said they are a medical technologies company. They provide testing kits for Covid. They will have offices in the existing building where they actually do the testing and the new space in the back will just accept the new kits coming in and sending out kits to those that need them.

Mrs. Hathaway stated the drawing had some very interesting items and asked if they recycled water. Mr. Baptiste explained that right now, there are no downspouts or gutters so the water runs off the side of the building and the topography all runs toward the back. There is a municipal ditch behind the property at the fence line. Instead of letting it sheet drain and run off into the ditch, they direct it into a rain garden in the back that has plants designed specifically for rain gardens. There will be a cistern behind the new addition. The new gutters and downspouts added to the front of the building will drain and go to a cistern in the ground. It will slowly release the water into the rain garden so they are not making ponds everywhere.

Mrs. Hathaway said it was such a good idea and wished more people would do that.

Mrs. Hathaway asked if the little forest they have there on the property would be left. Mr. Baptiste said it is a mess and they will clean that up all the way to the property line. They will put up a 6-foot stockade fence around the back and the sides. They will get rid of a lot of the asphalt they do not need right now. They are going to reduce the curb cut because it is too wide. They will add grass in the front and add one proper driveway that everyone can come in and out. They are not adding any signage and will just utilize the signage there is now.

Mr. Pucci asked what type trucks would be on the property. Mr. Baptiste said just medium size trucks and not tractor-trailers.

**Mrs. Hathaway read the following engineer report dated October 2, 2023 from Camie Jarell to Robert Lannon,**

*7311 Porter- This is a combination of lots and site plan for Norgen Biotek Corp (Canadian company who is looking to purchase property) and put an addition on the existing building and expand the parking lot. This company provides Covid tests and testing. The project is under 1 acre, but they did provide a stormwater report and are planning a bio retention area anyway. Unfortunately the plans are done by an architect, so the grading plan needs work as they have no grades around the addition or on the two perimeter swales and just two proposed contour lines across the site that do not connect to existing grades. In addition, because of the odd shape of the parking lot, they may need catch basins. This is preliminary, so Charlie does not feel we need to comment, but they may be pushing for approval (as Charlie says without putting in effort).*

Mrs. Hathaway commented that this is a very interesting project and will enhance the area.

Mr. Auerbach said to Mr. Baptiste that his reputation precedes him and by no means was the engineer being pejorative when saying that the plans were unfortunately, done by an architect. He said they are just suggesting that since this is preliminary there will be more information, including topo, for the board to consider as a group for the site plan review process.

Mr. Baptiste understood and appreciated the comment.

No further comments.

---

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

Mrs. Sullivan seconded the motion.

**ROLL CALL:**

YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)

**MOTION CARRIES**

---

Mr. Pucci made a motion recommending the approval of the preliminary site plan review and combination of lots.

Mr. Collins seconded the motion.

**ROLL CALL:**

YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway  
NO- (0)  
ABSTAIN (0)

**MOTION CARRIES**

---

**Presentation #6 –Starbucks-Advanced Design Group-Kristin Savard, PE, Jarret Johnston EIT, and Sean Ferry, EIT representing applicant Matt Lester**

**Project Location: 2700 & 2590 & 2540 Military Road**

**Town of Niagara**

**SEQR  
Sketch Plan Review/Area Variance  
Tax Map# 145.11-1-37**

**Tax Map Number: 145.11-1-37 and SEQR**

---

Advanced Design Group- Kristen Savard, PE, Jarret Johnston EIT, and Sean Ferry, EIT are representing applicant Matt Lester regarding the construction of a new Starbucks facility to be located at 2700 Military Road with additional associated work (Utility install under PIP) on adjacent parcels 2590 and 2540 Military Road. The property is located on the West side of Military Road between Packard Road and Recovery Road.

**Tax Map Number: 145.11-1-37 and SEQR**

---

Mr. Johnston said the last time he was before the Planning Board he was also here for a sketch plan review. He said changes were made with the layout based on Mr. Haseley’s comments. He spoke with the Starbucks team and they decided to go for three variances and resubmit the sketch plan. Mr. Johnston said he feels they have met all of Mr. Haseley’s requirements. He said their plan is to go before the Zoning Board of Appeals next week and hope for a preliminary site plan review next month.

Mrs. Hathaway asked if Mr. Johnston received the memo dated September 26, 2023 from Mr. Beiter from the Water and Sewer Department. Mr. Johnston said yes.

Mrs. Hathaway stated that this is a sketch plan review, but the SEQR says preliminary and has no signatures. Mr. Johnston said that is just a preliminary SEQR, but they will submit the official SEQR with the preliminary site plan.

---

He said he usually does not submit a SEQR with a sketch plan, but just wanted to give the Planning Board more background prior to submitting the final site plan.

Mrs. Hathaway asked what the difference is between this drawing and the last drawing. He said Mr. Haseley questioned the drive thru lane and the angle of it. He was worried cars would go into the parking lot and eventually turning into this using it as an entranceway so he made it more angled to prevent that. He said there would be more signs saying, "Do not enter".

Mr. Johnston said the patio is still there and they added landscape and low growth shrubs. Parking schedule was added. He said the variances they are going for are regarding the width of the driveway that exceeds the 30 feet that is required and the dumpster location.

Mrs. Hathaway asked where the property ends. Mr. Johnston said they are doing a shared parking agreement. Mrs. Hathaway pointed out an area with five parking spaces, but was told that the ADA said they should have handicap parking there. Mr. Johnston said that was Mr. Haseley's interpretation, but he disagrees because ADA technically has to be closest to the nearest entrance and there is no entrance there. He said being that it is on the adjacent property there is already ADA associated with that Life Storage along the parking area in the front of it.

Mr. Pucci said the five parking spots are for employees. Mr. Johnston said it is shared parking for employees and customers. Mr. Pucci asked how many employees share parking and Mr. Johnston said they are anticipating eight employees. Mrs. Hathaway asked how many spaces they have and Mr. Johnston said 26 spaces.

Mrs. Hathaway asked if there is a spot for snow. Mr. Johnston said it is number 15 on the plans.

**Mrs. Hathaway read the following engineer report dated October 2, 2023 from Camie Jarell to Robert Lannon,**

*2700 Military Starbucks- They have submitted a sketch plan that includes the necessary sanitary sewer work on the adjacent lots -2590 and 2540. They also have a letter responding to Charlie's comments and listing three area variances they need. Charlie says this was more for our information, but is hoping we push for PIP permit for that portion.*

No further comments.

---

**Mr. Pucci made a recommendation to elevate the presentation to a preliminary sketch plan review.**

**Mr. Collins seconded the motion.**

**ROLL CALL:**

**YES- (4) Mr. Collins, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway**

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

---

**Mr. Pucci made a motion to approve the minutes from the September 5, 2023 Planning Board meeting.**

**Mr. Collins seconded the motion.**

**ROLL CALL:**

**YES- (3) Mr. Collins, Mr. Pucci, Mrs. Hathaway**

**NO- (0)**

**ABSTAIN (1) Mrs. Sullivan**

**MOTION CARRIES**

---

**Mr. Pucci made a motion to adjourn the meeting at 8:18 pm.**

**Mr. Collins seconded the motion.**

**ROLL CALL:**

**YES- (4) Mr. Collins, Mr. Polka, Mrs. Sullivan, Mrs. Hathaway**

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

---

**NEXT MEETING: The next Planning Board meeting will be on Tuesday, November 7, 2023 at 6:30 pm.**

Respectfully submitted,

Kimberly Meisenburg  
Planning Board Secretary