

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
February 7, 2023
(APPROVED at the March 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:

Andrew Cerrone	Kevin Kirk
Michael Cerrone	Mike Risman
Chuck Haseley	Lou Terragnoli
Gerald Hathaway	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 he was before the County Planning Board on January 26, 2023 with the same presentation and there were no objections.

Mr. Terragnoli gave a binder to all the Planning Board members with information detailing all the proposed signs for review. He gave a summary of its content.

Tab 1- Contained a summary of what sign application is

Tab 2- Contained a smaller site plan showing the location of the signs

Tab 3- Three building signs (main, second and rear entrances) The code allows for 1 sign. Two of the signs will need variances.

Tab 4- Canopy signage. On the north and west side there will be a Quicklees sign, a diesel sign (rear) and 1 canopy sign that would say AMBEST. AMBEST is a network of 450 Travel Centers in the country and a partner of Quicklees. This sign lets truckers know what they can expect at this location. The code allows one canopy sign and the applicant is asking for 3 canopy signs. In addition, there would be a variance required for the size of the oval shape sign and also the height for each sign on the canopies.

Tab 5- Signage for the truck and bus wash at the rear of site. Code allows a sign on the front that will identify it as a truck/bus building. The applicant would like an enter and exit sign which would require a variance.

Tab 6- Standing signs at the front of the site at the shared entrance with access that they'd have with Aldis. Code allows 100 square feet and they are 20 square feet over what the code allows.

Tab 7- The cat scale sign needs a variance along with another sign just off of the cat scale that needs to be a little lower to the ground.

Tab 8- The pole highway sign is 190 feet back from the road and is 115 feet high. The sign would show Travel Center, AMBEST, and the pricing for fuel. The code requires a variance for the sign and for the size of the sign. They also will have 2 tenants inside the building. One will be Tim Horton's and the other will be a full service restaurant without a drive thru.

Mr. Polka asked about the height of the pole which Mr. Terragnoli said is 115 feet to the top. He asked how it compares with other billboards and signs in the area. Mr. Terragnoli contacted some of the billboard companies and they are between 50-55 feet high. Mr. Polka asked the logic of having a sign at this height. Mr. Terragnoli said it will have the maximum visibility from the thruway from both the north and south so the trucks can easily identify it from a distance and will indicate the exit.

Tab 9- This displays the drive through signs and truck entrances

Tab 10- Shows photos that they have on the Avon site. They added a directional sign at Packard Road that would identify it as a Travel Center entrance. There is also a truck entrance sign as they would like the vehicle traffic separate from the truck traffic.

Mr. Polka said the east entrance prohibits the westward traffic from turning into the site. Mr. Terragnoli said you can make a right into the site if heading east, but if heading west they would have to drive through the fueling area.

Mr. Polka had concerns over the height of the highway sign and it not being the same height as the other billboards in the area which would be 55-60 feet. Mr. Terragnoli said he doesn't think it would catch the truck drivers eye quick enough if it were lower.

Mr. Pucci commented that the sign would be above the thruway and not as high from there. He feels a smaller sign might get lost.

Mr. Polka compared it with the Town water tower which is very visible at 85 feet high.

Mr. Polka asked if Mr. Terragnoli communicated with the FAA and airports. Mr. Terragnoli said they are waiting for a response. Mr. Polka mentioned about back up power in the case of a power outage and if the illumination at the top of the sign would still remain which is necessary for the airport.

Mr. Polka stated that the Wendy's sign is very visible and doesn't feel the Quicklee's sign needs to be 115 feet tall. He thinks some additional investigation is needed before approving this sign, but is in agreement with the other signs.

Mr. Polka suggests driving by and observing the Wendy's sign and the Town's water tower. The proposed highway sign would be 35 feet higher than the water tower sign.

No further comments.

Mr. Polka made a motion declaring a negative declaration on the SEQR for all of the sign variances except for the proposed 115-foot highway sign.

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

Mr. Polka made a motion approving the sign variances as requested on the letter dated January 16, 2023 except for the request for the 115-foot highway sign.

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

Mr. Polka amended the above motion and made a recommendation to the Zoning Board of Appeals for approval of the requested variances except for the 115-foot highway sign. The highway sign will be subject to additional investigation with regards to the height of the other structures in the area and any other FAA requirements with regards to the sign.

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

Mr. Polka amended the previous motion to include Air Reserve Station requirements in addition to FAA requirements.

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

Presentation #2- Armand Cerrone Inc./ Michael Cerrone, President/Owner

Project Location: 4625 Witmer Road

Town of Niagara

SEQR

Sketch Plan Review

Tax Map # 130.16-1-9-11.12

Michael Cerrone, President and Owner of Armand Cerrone Inc., is requesting a sketch plan review for the construction of a 20,000 square foot warehouse on his property at 4625 Witmer Road. The property is located on the south side of Witmer Road between Woodard Road and Hyde Park Boulevard.

Tax Map Number: 130.16-1-9-11.12

Mr. Cerrone stated he has had a customer for 75 years and they have been processing bulk material aluminum. They crush the material and put it into abrasive products. He said they need additional space for their operations now. The material comes in dump trailers and the material is dumped into the warehouse. It is then delivered to the factory, crushed and then shipped to their warehouse.

Mrs. Hathaway asked if the material is combustible. Mr. Cerrone said no and that it is all stone products.

Mr. Polka mentioned there will be 15 feet on either side of the proposed building. Mr. Cerrone said they might have to put in for a small variance on one side and maybe a height variance.

Mr. Polka asked if they had a non-revocable lease with National Grid. Mr. Cerrone said yes, otherwise they would not be able to get back into their building. Mr. Polka asked if it goes with the property and is a concern if the building were sold. Mr. Cerrone said if the property were sold the language on the easement would have to be changed. Mr. Polka asked if it is non revocable tied to the property or tied to the Cerrones. Mr. Cerrone said it is tied to the property, but he will get clarification on this.

Mr. Polka asked if the gravel pile would be behind the building and Mr. Cerrone said it will be inside the building and nothing will be outside.

Mrs. Hathaway asked if there would be a road or gravel going into the property. Mr. Cerrone said now there is an existing road and they may add to the road to build it up.

Mr. Cerrone said it is not a high traffic operation. There would be 4 trucks a day that come in around 5:00 am, dump their material and head back to Pittsburg. Their trucks do 4 loads a day to and from General Abrasive.

Mrs. Hathaway asked if they'll have a gate. Mr. Cerrone said they will at Witmer Road

Mr. Murawski asked if there would be signs. Mr. Cerrone said he doesn't think so since the trucks will know where to go.

Mrs. Hathaway asked what the building is made of. Mr. Cerrone said the building has an 8-inch concrete floor. The wall construction is 2x2x6 concrete blocks. They will do a more decorative exterior and add landscaping. It will have a canvas material roof.

Mr. Polka asked about the height variance. Mr. Cerrone said on the cemetery side they will need a small variance and the height variance will be within 5 feet of the allowable footage height.

No further comments.

Mr. Polka made a motion declaring a negative declaration on the SEQR for the sketch plan review.

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

Mr. Polka made a motion recommending approval of the sketch plan noting that it is anticipated that they will be filing for a height variance and potentially a side yard variance. Mr. Polka stated that when it comes to final approval the Planning Board would like additional details regarding the lease arrangement with National Grid. The primary concern is that the lease agreement is linked to the property and not to the owner so the lease agreement would stay with the property.

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

Presentation #3- Uniland Development/Kevin Kirk, R.A.

Project Location: 3401 Military Road

Town of Niagara

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

Kevin Kirk, Director of Planning and Design of Uniland Development Company, is requesting a site plan review for the project located at 3401 Military Road. 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 stated that the landscape plan was updated. He said there is 60 feet of land between parking and the property line shown as existing to remain. They will do their best to maintain as much of that as possible.

Mr. Kirk said the traffic study was updated which now includes the Canadian border being fully opened. It does not change anything regarding the traffic study.

Mr. Kirk said they submitted a wetland delineation report. He said these initial prints showed 2 ½ acres, but it is actually 1.1 acres as received from their consultant. They submitted it to the Army Corp of Engineers and will work with them on that to verify.

Mr. Kirk spoke about the long term zoning that the neighbors had concerns about. He said that stays as the R3 and if anyone wants to ever do anything they will have to be back before the Planning Board and go through the entire process.

Mr. Polka said there was a question raised at a previous meeting if commercial zoning would allow this. Mr. Kirk looked into it and it would not. The light industrial is something they would need in order to facilitate this project.

Mr. Polka asked if any manufacturing is going on or if it is mostly product in–project out. Mr. Kirk said yes, but would not meet commercial.

Mr. Polka asked Mr. Haseley if product in-product out is basically just warehouse and can't be done in a commercial zone. Mr. Haseley said that is correct. It cannot be commercial and needs to be light industrial.

Mrs. Hathaway said the Town engineers have reviewed the SWPPP and the SEQR and asked if Mr. Kirk received their comments. Mr. Kirk said he did.

Mr. Pucci said he drove to the site and said it is an improvement. The landscaping alone would be an upgrade to the area.

Mr. Collins asked how many trucks a day will go in and out. Mr. Kirk said the tenant they are working with now has very little. He said there may be 4 to 8 on a daily basis. The employee traffic would be the most 50 people.

No further comments.

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

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

Mr. Polka made a motion recommending approval of the preliminary site plan with comment to the developer regarding the Planning Board's recommendation for rezoning to light industrial and that the applicant review and meet any requirements from the department heads or Town engineer. The Planning Board would like to see the traffic study.

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 made a motion to correct the minutes from the January 3, 2023 Planning Board meeting. (December 6, 2022 was listed as the date of the meeting and should have stated January 3, 2023)

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mr. Murawski made a motion to adjourn the meeting at 7:41 p.m.

Mr. Pucci 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, March 7, 2023

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary