

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

May 2, 2023

(APPROVED at the June 6, 2023 Planning Board Meeting)

6:30 pm

Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Mike Murawski
Eugene Pucci

BOARD MEMBERS EXCUSED:

John Polka

IN ATTENDANCE:

| | |
|------------------|-----------------|
| Corey Auerbach | Jarret Johnston |
| Holly Curcione | Kim Nason |
| Nico Facey | Kim Powell |
| Steve Fantuzzo | Mike Risman |
| Richard Greenant | Rick Sirianni |
| Chuck Haseley | Joe Smith |
| Gerald Hathaway | Juanita Stobe |
| DeAnna Hyche | Gus Wilson |
| Arthur Jocoy | |

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

Presentation #1- Packard Storage, Arthur Jocoy, Owner represented by Jarret Johnston of Advanced Design Group

Project Location: 6410 Packard Road

Town of Niagara

SEQR

Final Site Plan Review

Tax Map # 145.15-2-3.1

Jarret Johnston of Advanced Design Group., is representing Arthur Jocoy, property owner and applicant. They are requesting a Final Site Plan Review for the construction of a warehouse and self-storage building. The project is located on 6410 Packard Road on the north side of Porter Road between the Niagara Expressway service ramp and Niagara Falls city limits.

Tax Map Number: 145.15-2-3.1 and SEQR

Mrs. Hathaway asked Mr. Johnston if any changes were made since the last presentation. He said no changes were made and he believes the only outstanding item is the waterline, as per the engineer's comments. They are working

on finding the best solution, working with the Town engineer and the county. They are also waiting on the Health Department's review. They are seeking final approval, based on the conditional approval of the waterline issues.

Mrs. Hathaway confirmed that the waterline issue is the only outstanding issue remaining. Mr. Johnston confirmed.

Mr. Pucci asked how far along they are in this process. He said they are working on the timeline based on the paving of the road and the permit process. They should know soon.

No further comments. Mrs. Hathaway requested a motion.

Mr. Murawski made a motion to recommend a negative declaration on the SEQR.

Mr. Pucci seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Mr. Murawski made a motion to recommend approval of the final site plan contingent on the waterline situation and Town engineer's approval.

Mr. Pucci seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Presentation #2- Steve's Heating and Cooling, Steve Fuller, Owner

Project Location: 3001 Military Road

Town of Niagara

SEQR
Final Site Plan Review
Tax Map # 145.07-4-81

Steve Fuller, owner of Steve's Heating and Cooling, is requesting a Final Site Plan Review for his property located on 3001 Military Road which is located on the east side of Military Road between Ralph Court and Laur Road. Mr. Fuller would like to expand with another garage to accommodate for the amount of HVAC inventory and to house their new work vehicles.

Tax Map Number: 145.07-4-81 and SEQR

Mrs. Hathaway noted that notices were sent out to the applicant and this is the 2nd time that the applicant has not shown up.

Mr. Murawski thought they had approval the first time they were before the Planning Board. He thought the only question they had was if there was enough room for the trucks to get through. Mrs. Hathaway said the Planning Board never officially gave final site plan approval.

Mr. Auerbach asked if preliminary approval was given at the prior meeting. Mrs. Hathaway confirmed that preliminary approval was granted. Mr. Auerbach said unless there are questions the Planning Board feels are unanswered the Planning Board can elevate it to a final approval and let the Town Board take it up. Mrs. Hathaway stated that if there were questions and if Mr. Haseley were present he would have been able to work out the questions.

Mrs. Hathaway stated her issue that if an applicant didn't have the final site plan approval and they received an emailed agenda showing they are scheduled for final site plan review there should be at least a phone call made if they are not going to show up. Mr. Murawski stated he doesn't believe that notifications are always received by the applicant. Mrs. Hathaway stated that procedures are in place and the secretary sends emails to the applicants.

No further comments.

Mr. Murawski made a motion to recommend a negative declaration on the SEQR.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway made a motion to recommend approval of the final site plan review under the condition that there has been input from the Town engineer and department heads along with all entities required for approval.

Mr. Murawski stated the motion be moved.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #3- Joe Smith, President of David Chevrolet Buick Inc.

Project Location: 10195 Niagara Falls Boulevard

Town of Niagara

SEQR

Signage Plan Review

Tax Map # 146.19-2-4.2

Joe Smith is requesting a Signage Plan Review for additional signage on the building at 10195 Niagara Falls Boulevard. He would like to place signage over 3 front patient entrances (one future tenant). In addition, Excelsior would like to place a sign with their name on it on the East facing side of the building visible to Williams Road. The property is located on the south side of Niagara Falls Boulevard between Williams Road and Caravelle Drive.

Tax Map Number: 146.19-2-4.2 and SEQR

Mr. Smith apologized for missing the last meeting and he did confirm he received an emailed notification.

Mr. Smith said a third of the building is vacant and he wants to be able to promise the future tenant that they can add a sign. He also stated that Excelsior would like additional exposure on Williams Road. Mr. Smith would like to amend the site plan to add this additional sign and is requesting permission.

Mrs. Hathaway recalled that his letter of intent had a request for 3 signs. Mr. Smith agreed and mentioned that he will have to add another sign for the future tenant.

Mrs. Hathaway commented on how nice the building is.

No further discussion.

Mr. Murawski made a motion to recommend a negative declaration on the SEQR.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mr. Pucci made a motion to recommend approval of the signage plan as presented.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #4- JB2 Partners, LLC, represented by Kimberly Nason, Esq. and Matt Fitzgerald of Phillips Lytle LLP

Project Location: 8995 Lockport Road

**SEQR
Minor Subdivision Request
Tax Map #-146.01-1-9**

Town of Niagara

Kimberly Nason, Esq. and Matt Fitzgerald of Phillips Lytle LLP, representing JB2 Partners, L.L.C. are requesting approval for a Minor Subdivision of an approximately 15.45-acre portion of the now consolidated site into a separate tax parcel.

Tax Map Number: #-146.01-1-9 and SEQR

Kimberly Nason gave an overview of the project. JB2 filed an application back in February of 2022 for site plan approval, combination of lot, and certain area variances. In June 2022 the Planning Board recommended a negative declaration on the SEQR. In July 2022 the Town Board approved the final site plan and lot consolidation and the Zoning Board of Appeals recommended the variances. They are looking for a minor subdivision because they are taking one lot and turning it into two. They are not extending any public roads and not extending any municipal

utilities. She said this is an extension of their site plan. Previously, land was owned by Gothic Homes LLC. JB2 was to acquire the entire 216 acres of the parcel. After all project approvals were issued last summer, in the Fall the US Army Corp of Engineers approached the land owner about potentially acquiring a portion of the site for a potential future project at the Niagara Falls Border Patrol Station. There were no final timelines at the time, but they approached the land owner who then came to JB2 and asked to retain the 15-acre portion of land.

Ms. Nason stated they need this subdivision to effectuate their land transaction and move forward with commencing construction on the project. She said on the 15-acre portion of land there are no proposed changes to the project. That portion of land does not have any roadways, access drives, or utility lines. Ms. Nason stated that along the west property line they have a drainage swale and some grading that crosses the property line a little bit. She said other than that there is nothing else to deter the project. They are requesting from the Board for this to be classified as a minor subdivision and for approval of the application.

Mr. Pucci questioned about Tuscarora Road and if it is at the entrance of the Air Base. Ms. Nason confirmed. Mr. Pucci asked if it will disrupt the Air Base and Ms. Nason confirmed no. Ms. Nason said this was part of the original request.

Mrs. Hathaway stated that she received from Mr. Auerbach the **Resolution of the Town of Niagara Planning Board Concerning Minor Subdivison Application for Project FIFI** and a copy will be filed with the minutes.

No further comments.

Mrs. Hathaway requested a motion to reaffirm the SEQR for the minor subdivision request of approximately 15.45-acre portion of the now consolidated site into a separate tax parcel.

Mr. Pucci made a motion to recommend the reaffirmation of the SEQR as stated by Mrs. Hathaway.

Mr. Murawski seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Mrs. Hathaway requested approval of the minor subdivision pursuant to the resolution.

Mr. Murawski made a motion to recommend the minor subdivision pursuant to the resolution.

Mr. Pucci seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Presentation #5- Caliber Collision represented by Bret Flory, NCARB

Project Location: 2749 Military Road

**SEQR
Special Use Permit
Tax Map #-145.11-2-51**

Town of Niagara

Bret Flory, NCARB agent for Caliber Collision is requesting a resolution to approve a Special Use Permit to operate an auto body paint and repair shop at 2749 Military Road. The property is located on the east side of Military Road, between Packard Road and Laur Road.

Tax Map Number: #-145.11-2-51 and SEQR

Mrs. Hathaway asked the presenter, Gus Wilson, to confirm he is only requesting a special use permit at this meeting and will return with more items and details at the next Planning Board meeting.

Gus Wilson introduced himself as the developer that will be doing the presentation. He stated he is seeking a special use permit. He explained they focus on high quality tenants (Chipotle, Aldi, Panara, etc.) and are hoping to bring Caliber Collision to the Town of Niagara. He advised that they are not a typical mechanic shop with open garage doors and noisy tools. They will address a range of issues with cars and fixes for minor fender benders. Mr. Wilson explained they are a respectful company that gives back to the community. They are scrutinized by the EPA and hire an outside party to ensure that they are compliant with regulations. All operations are done indoors and will not disturb the nearby areas, especially neighbors, church, etc. They are only open Monday – Friday and close at 5:30 pm. They work quickly and the average time per car is 5-7 days. He mentioned that they do not store any totaled vehicles. Totaled cars are immediately sent away when one arrives as they do not permit “junk vehicles”. Cars currently being worked on will not be visible and they will all be contained behind a fenced area. It will be a good-looking building and will utilize an unused building.

Mr. Pucci asked if the original building will stay as is. Mr. Wilson confirmed that yes, it will stay as is, but if anything outside needs to be improved they will do that. Indoor modifications will be made to fit the needs of the company. A dumpster pad will need to be added.

Mr. Murawski asked where other Caliber Collisions are located. Mr. Wilson believes it to be Syracuse and Rochester. Some are in construction right now.

Mr. Pucci asked how many employees there are on average. Mr. Wilson estimates it to be in the 8-13 range.

Mr. Collins asked if any vehicles will be painted. Mr. Wilson said there is a paint booth with a fully enclosed structure and that they will work with the EPA to ensure that the exhaust is venting clean air.

Mr. Collins asked if there will be one or two paint booths. He said he is unsure, but usually never more than two.

Mr. Collins asked how many vehicles will be at the site. Mr. Wilson was unsure. Mr. Collins asked how many at other sites. Mr. Wilson said anywhere from 10-40 vehicles a day. They want to get them in and out and moving so they only have them 5-7 days.

Mr. Pucci asked if parts are local or shipped in. Mr. Wilson said he could ask them, but assumes they will buy local if possible. Mr. Pucci would like to see them buying the parts locally.

No further comments.

Mr. Pucci made a motion to recommend a negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Mr. Pucci made a motion to recommend the approval of the special use permit to operate auto body paint and repair shop at 2749 Military Road.

Mr. Murawski seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Presentation #6- Verizon Wireless represented by Jared Lusk of Nixon Peabody

**Project Location: Adjacent to properties at
7730 Packard Road, 3550 Haseley Drive,
2730 Military Road, and 2430 Military Road
Town of Niagara**

**SEQR
Final Site Plan Review, Special Use Permit**

**Tax Map#'s-145.08-2-23, 132.17-2-21, 145.11-1-28,
145.16-1-4**

Jared Lusk of Nixon Peabody, agent for Verizon Wireless, is requesting a Final Site Plan Review and Special Use Permit to erect 4 small cell facilities adjacent to properties at 7730 Packard Road, 3550 Haseley Drive, 2730 Military Road and 2430 Military Road.

Tax Map#'s-145.08-2-23, 132.17-2-21, 145.11-1-28, 145.16-1-4 and SEQR

Steve Fantuzzo introduced himself along with Nico Facey. They submitted to the Town 4 separate applications each seeking a special use permit and site plan approval in order to construct and operate 4 small cell telecommunications facilities in the southern portion of the Town. Each small cell consists of an antenna, and telecom related equipment attached to a replacement utility pole set up by National Grid. All are located in the DOT right of way.

Mr. Fantuzzo said each application contains the radio frequency report. They improve cell coverage and open capacity of surrounding cell sites. Verizon is looking for gaps and inefficiencies in the network. An analysis of the site selection is provided. He said those were the most feasible locations to support the network, but minimizing intrusiveness. They provided before/after renderings from the utility poles. Mr. Fantuzzo stated Tab G shows the National Grid licensing agreements allowing them to install using the grid poles.

Mr. Pucci mentioned about a cell tower down the road from their location. He asked why they are putting another one in. Mr. Facey showed the photos of the before/after to explain. He said they are proposing the hotspots because the current ones are overloaded. The traffic is dictating the need. He said people are working in cars too.

Mr. Pucci advised that he didn't realize that there was a need for more coverage and asked if dropped calls will decrease. Mr. Facey said that it should improve.

Mr. Pucci asked about subletting with other companies. Mr. Facey said that the companies use different frequencies. Mr. Fantuzzo said there is a graphic showing the lanes they are adding to support the grid. They plug in the holes to ensure that there is coverage and less dropped calls. If they can attach without building a new tower they will.

Mr. Pucci asked if it is going to look like a telephone pole and not a giant cell tower. Mr. Fantuzzo and Mr. Facey confirmed no and that they will look nice.

No further comments.

Mrs. Hathaway would like to request a negative declaration on the SEQR for the 7730 Packard Road cell facility.

Mr. Pucci seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Mrs. Hathaway would like to recommend approval of the final site plan review and special use permit for the 7730 Packard Road cell facility, provided that the applicant meets all the requirements of the responses and guidelines from the Town engineer, the department heads, and all other agencies and departments required.

Mr. Pucci moved the above motion

Mr. Murawski seconded the motion

ROLL CALL:

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

MOTION CARRIES

Mrs. Hathaway would like to request a negative declaration on the SEQR for the 3550 Haseley Drive cell facility.

Mr. Pucci seconded the motion.

ROLL CALL:

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

MOTION CARRIES

Mrs. Hathaway would like to recommend approval of the final site plan review and special use permit for the 3550 Haseley Drive cell facility, provided that the applicant meets all the requirements of the responses and guidelines from the Town engineer, the department heads, and all other agencies and departments required.

Mr. Pucci moved the above motion

Mr. Murawski seconded the motion

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway would like to request a negative declaration on the SEQR for the 2730 Military Road cell facility.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway would like to recommend approval of the final site plan review and special use permit for the 2730 Military Road cell facility, provided that the applicant meets all the requirements of the responses and guidelines from the Town engineer, the department heads, and all other agencies and departments required.

Mr. Pucci moved the above motion

Mr. Murawski seconded the motion

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway would like to request a negative declaration on the SEQR for the 2430 Military Road cell facility.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mrs. Hathaway would like to recommend approval of the final site plan review and special use permit for the 2430 Military Road cell facility, provided that the applicant meets all the requirements of the responses and guidelines from the Town engineer, the department heads, and all other agencies and departments required.

Mr. Pucci moved the above motion

Mr. Murawski seconded the motion

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Presentation #7- The Broadway Group LLC represented by Development Manager, DeAnna Hyche

Project Location: Lockport Road

SEQR

**Preliminary Site Plan Review, Minor Subdivision,
and Area Variance**

Tax Map# 132.14-1-4

Town of Niagara

DeAnna Hyche, Development Manager of the Broadway Group, LLC is requesting a Preliminary Site Plan Review, a Minor Subdivision and Area Variance for property on Lockport Road. They are purchasing 12.33 acres of land located on the north side of Lockport Road between Tuscarora Road and Haseley Drive.

Tax Map Number: 132.14-1-4 and SEQR

DeAnna Hyche stated that she did not include a copy of the SEQR application, but has a copy of it. Ms. Hyche said that Chuck Haseley has it and Mrs. Haseley confirmed that she also has it. Mrs. Hathaway mentioned that Chuck Haseley found an issue on Page 3, #18. Ms. Hyche said she would be glad to change it, but explained that she does not think it is a major issue. She explained how they are planning on handling the drainage with a bio retention pond. She said that the pond will capture the water during a storm event to get the best filtration of the water before it reenters the system. She said that the title of bio retention is deceiving and does not hold standing water, but can change it. It holds a ½ inch per hour and will not pose an issue if there is a major, once in a lifetime, storm. Ms. Hyche explained that the goal of the pond is large enough to capture the water when it rains and direct it to the filters underground. They do not expect standing water.

Mrs. Hathaway confirmed that she has no issue with this.

Mr. Collins asked where the water will go. Ms. Hyche explained that the packet has the information, showing where the bio retention is and where the low land is already. It has a natural flow to the pipes and filters.

Mrs. Hathaway requested the presentation.

Ms. Hyche explained that they purchased 12 acres that was only sold in that size. An individual requested to buy a parcel nearby. She is requesting a minor subdivision. The seller has leases in place and wants to keep 3 ½ acres. The property she is seeking to develop is 1.72 acres, the SEQR is only for the 1.72 acres. The additional parcel is likely going to have another individual seeking the same approval soon.

Mr. Murawski asked about the land and ownership. Ms. Hyche explained that they will own it and allow someone to use a parcel. The current owner would like to place a farm on another part.

Mr. Risman asked if it is premature to seek this approval before all the parcels have plans. Ms. Hyche said she can't sell the parcels without approval for the plats. Mr. Risman asked her to confirm she is the purchaser. She confirmed that she will be selling one and keeping two. She wants to get her lot platted now. Mr. Risman is confused by the agreements with land and current owners/future owners.

Mrs. Hathaway asked if another person purchases, how will they have 3 access areas. She clarified that she has preliminary input.

Mr. Murawski confirmed that she wants to make 3 separate lots, she only cares about 1 lot and the other owners will need to seek approval for the other two parcels. She is going to divide the land up with the current farmer into 4 parts, and he is keeping one of the lots.

Ms. Hyche confirmed. She wants to confirm construction potential for this one parcel.

Mrs. Hathaway questioned the amount of exits. The plans were reviewed and they discussed the railroad that goes through.

Mr. Pucci brought up the land across the street on Tuscarora advising that Amazon is going to be across the street. Ms. Hyche was unaware, she thought it was going to be behind her.

Mr. Pucci is concerned about the traffic, the lights, and access. Mrs. Hathaway confirmed that there is going to be a traffic light and new entrance/exits.

Ms. Hyche was unaware of that. She didn't provide any plans yet as she wanted the Planning Board feedback. She feels that they will need to take that into account.

Mr. Murawski advised that Amazon's road plans are already in place and that their adjustments to the road (3 lanes, signals) are going to help her.

Mrs. Hathaway said they are in a conundrum.

Ms. Hyche said she only wants to develop 1.72 acres and platting 12 acres. She said the review of their plans the municipalities that are involved with other developments will take into account what they need to take into account. She said the Planning Board approvals are final for access and there is no other entity that she is held accountable to for access.

Mr. Auerbach advised that all her site plan approvals must come through the Town of Niagara.

Ms. Hyche stated she did not finish the documents. The original site layout that was presented for funding approval and the reason she gave that was to show that they could build a development with 76 stalls (*parking spaces*) which is what the ordinance would require. They do not need that number of stalls with the type development they are intending to build. The prototype for that development is 35 stalls. She said at most, at the busiest times of the day, all over the country they average 15-20 cars in the morning between 8-10:00 am and in the afternoons 4:30 – 6:30 pm depending on what is going on around them and depending on Amazon and their shipments.

Mr. Pucci asked her what area she is targeting. Ms. Hyche said that they find locations where the metrics fit to find a good location for a store. Their niche is smaller towns where convenient stores are not currently present.

Mr. Pucci explained that it is all farmland. Ms. Hyche said they are trying to capture traffic on that road. There are a lot of people traveling that road for work.

Mr. Risman confirmed that Chuck Haseley said that the review was only preliminary, but would later like to discuss it further. He said he needs more details.

Mrs. Hathaway suggested tabling for now.

Mr. Risman said that they don't want to cause a traffic problem across from Amazon now that they know that Amazon is going to be across the street.

Mr. Auerbach asked who the other user is. Ms. Hyche said she signed a confidentiality agreement. They discussed the land on the corner and she said she is unsure what that land is going to be used for.

Mr. Auerbach recommended a full environmental assessment form especially because there is going to be development on the corner. He said this will be a Type 1 action and will need the involvement of the other agencies.

No further comments.

Mrs. Hathaway recommended a motion for the Planning Board to table the presentation until there is more information.

Mr. Murawski made a motion to table the presentation until there is more information.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

Mr. Pucci made a recommendation to approve the Planning Board minutes from the April 4, 2023 meeting.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

Request to speak: Kim Powell from the Niagara Falls Air Reserve Station, representing the 914th Refueling Wing Commander, Lara Morrison.

Ms. Powell expressed their need for improved communication with the Town on development projects within the Town. She said it has been incomplete and inconsistent in the past. They received some project development information, but not others which may be of concern. She said they have not received documentation for the Verizon Cell facility or the Pine Avenue landfill solar panel project. They request full documentation of these projects and ask that Board decisions be postponed until the bases have adequate time to review these projects. The Niagara Falls Air Reserve Station, the NFTA and the Niagara Military Affairs Council have worked successfully with the Town in the past. The law states they will be provided 30 days' notice and an opportunity to be heard by the Town Code enforcement or the Town Planning Board, Town ZBA and Town Board on any building permit or site plan application that meets the criteria. She stated that according to law the Niagara Falls Air Station is permitted to present comments and recommendations with respect to any project which may affect the operation. She said the Niagara Falls Air Station will not have any voting rights or approval authority with respect to the determination of the Town of Niagara and its Boards. She stated items have been mailed to incorrect addresses and are not received by the base. Mr. Murawski stated that does not happen. Ms. Powell said she does not get emails that documents are being sent. Mrs. Hathaway asked for the exact individual to contact. Ms. Powell said it is in the law. She said she doesn't have a problem doing that, but said it is in the law.

Mr. Risman said that this is the first time he has heard of an issue and explained that the Verizon poles are not new cell towers, the cells are just going on existing poles. He said that the Pine Avenue developer advised that he reached out to the Air Base. He said he can have the developer call her first thing tomorrow to discuss further. Ms. Powell said the developer did not reach out.

Mrs. Hathaway said this is why she asked to have the exact person's name to contact.

Mr. Murawski stated that they asked the solar panel developer if they discussed with the NFTA and the Air Force Base.

Mr. Pucci also explained another situation with the sign height for Quicklees and the presenter said the NFTA said that if the Air Base approves, so do they.

Ms. Powell said that if the developer said he contacted the base, that did not happen. He may have only contacted the NFTA.

Mr. Risman explained that he felt that this was an oversight, and didn't feel that it was intentional.

Mr. Auerbach explained that the law was voluntarily put in place to protect the Air Force Base and will ensure that they will contact them. He explained that they are not intentionally cutting them out.

Ms. Powell asks that everything be sent to them electronically instead of a hard copy, but was told by the Building Department that they can only send hard copies. If a hard copy is going to be sent she would like an email notifying her that they have been sent so she can expect it. She would like to improve the process.

Mr. Auerbach said Ms. Powell's concerns are very well received from the Board. Mr. Auerbach said he assisted in the development of this law that the Town adopted and noted that the Town voluntarily adopted this law to help protect the Air Force Base Reserve Station. He said the law in place advises that they only need to be notified of plans. He doesn't believe they are obligated to send the details, but they are required to send notification of the project. He said this is a good reminder that notification needs to be provided. Mr. Auerbach stated that this is not typical to have a feedback presentation presented at a Planning Board meeting and suggested that written comments be submitted to the Town Board.

No further comments.

Mr. Pucci made a motion to adjourn the meeting at 8:12 pm.

Mr. Murawski seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN ()

MOTION CARRIES

NEXT MEETING: Tuesday, June 6, 2023

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary