

TOWN OF NIAGARA

COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

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Niagara Falls, New York 14305



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TOWN OF NIAGARA PLANNING BOARD MEETING MINUTES

August 1, 2023

6:30 pm

Meeting held at the Town Hall

Minutes approved at the September 5, 2023 Planning Board Meeting

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Dennis Collins
Mike Murawski
Eugene Pucci

BOARD MEMBERS EXCUSED:

John Polka

IN ATTENDANCE:

Corey Auerbach	Christina Kramp
Sean Ferry	Nick Merrifield
Elizabeth Johnson	Mike Risman
Jarret Johnston	Marc Romanowski
Charles Haseley	Rick Sirianni
Gerald Hathaway	Chris Wood
DeAnna Hyche	

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

I. PRESENTATIONS:

Presentation #1- Christopher & Elizabeth Johnson

Project Location: 8310 Lockport Road

Town of Niagara

SEQR

Special Use Permit Request/Area Variance

Tax Map #-132.17-1-9

Christopher and Elizabeth Johnson are requesting a Special Use Permit and Area Variance for an in-home business occupation for a single operator, one chair hair salon. The property is located at 8310 Lockport Road on the North side of Lockport Road, between Tuscarora Road and Miller Road.

Tax Map Number: 132.17-1-9

Mrs. Johnson confirmed with Mrs. Hathaway that she received a variance and the memo from Brian Beiter, Town of Niagara Water/Sewer Superintendent.

Mrs. Hathaway asked Mrs. Johnson about the number of clients she expects to have per day. Mrs. Johnson said it would typically be one client at a time unless someone brings a child. The total amount of clients per day would be five or six. She will be open 4 days a week (Wednesday through Saturday).

Mr. Collins asked where they are located on Lockport Road. Mrs. Johnson said right at the bottom of the hill.

Mr. Pucci asked about the driveway and was concerned if someone would be on the road if one or two people pulled in. Mrs. Johnson said the driveway goes back far enough so there would be room, especially being that there would only be one customer at a time. Mrs. Johnson said if someone showed up early that would be the most overlap of people.

Mr. Collins asked if the clients are mostly women. Mrs. Johnson said yes, but men are welcome.

No further comments

Mr. Murawski made a motion recommending 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 recommending the approval of the Special Use Permit at 8310 Lockport Road.

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- Joe Ceconi's Chrysler Service Center (Mike Jensen, Owner/Applicant) represented by Advanced Design Group, Kristin Savard, PE, Jarret Johnston, EIT, Sean Ferry, EIT

Project Location: 2429 Military Road

Preliminary Site Plan Review

Town of Niagara

Tax Map #-145.16-2-29

Kristen Savard, PE, Jarret Johnston, EIT, and Sean Ferry, EIT, from Advanced Design Group are requesting a Preliminary Site Plan Review for the property owner, Mike Jensen, Owner/Applicant of Joe Ceconi's Chrysler for the remodeling of the existing facility for a vehicle service center. The proposed project includes maintaining the existing building footprint while adding an additional parking area to the East. The property is located on the East side of Military Road between 4th Avenue and Recovery Road.

Tax Map Number: 145.16-2-29

Mrs. Hathaway stated that due to no representation, Presentation #2 would be tabled until next month.

No further comments.

Presentation #3 –Niagara Storage, LLC represented by Advanced Design Group, Kristen Savard, PE, Jarret Johnston, EIT, Sean Ferry, EIT

Project Location: 2540 Military Road, Niagara Falls

Town of Niagara

SEQR

Sketch Plan Review

Tax Map# 145.15-1-6.1

Kristen Savard, PE, Jarret Johnston, EIT, and Sean Ferry, EIT, from Advanced Design Group are requesting a Sketch Plan Review for the property owner of Niagara Storage, LLC. They are requesting the construction of a Multi-Story Storage Facility at 2540 Military Road located on the west side of Military Road between Packard Road and Recovery Road.

Tax Map Number: 145.15-1-6.1 and SEQR

Mrs. Hathaway stated that due to no representation, Presentation #3 would be tabled until next month.

No further comments

Presentation #4- Advanced Design Group (Kristin Savard, Jarret Johnston, and Sean Ferry representing Matt Lester and Anthony Gizzle/Starbucks

Project Location: 2700 Military Road

Town of Niagara

SEQR

Revised Sketch Plan Review

Tax Map # 145.11-1-37

Advanced Design Group is requesting a Revised Sketch Plan Review for the construction of a Starbucks Coffee Shop at 2700 Military Road. The property is located on the West side of Packard Road between Packard Road and Recovery Road.

Tax Map Number: 145.11-1-37

Mrs. Hathaway asked if Mr. Johnston received a copy of the memo from the Building Inspector dated July 25, 2023. Mr. Johnston said Kristin Savard received it, but he said he would make sure paperwork would go to him in the future.

Mrs. Hathaway asked if they are going to dress up the dumpster. Mr. Johnston said the dumpster will be hidden and a gate would be around it.

Mr. Pucci asked Mr. Haseley if there was a variance change because of the cars being close to Military Road. Mr. Haseley said there is a setback for commercial and that is 20 feet.

Mr. Johnston said changes regarding the flow of traffic and more spots were added to the plans.

Mr. Pucci mentioned that the grade on the nearby car wash is much higher and was concerned if there would be any run off water. Mr. Johnston said they contain everything on the site. He said the only problem they will have is to manage the slope, which they have accounted for.

Mrs. Hathaway stressed the importance of adding greenery and trees that will grow up and branch out. Mr. Johnston said they will dress the property up and will have a plant schedule in the site plan. They will find trees and greenery that will not impede traffic.

Mrs. Hathaway said the Planning Board received a memo this evening and no one has had the opportunity to read it. Mrs. Hathaway asked Mr. Auerbach and Mr. Haseley if this could be included in a motion. Mr. Auerbach and Mr. Haseley stated yes. Mr. Haseley said the property contains two other pieces of property as part of this project. To include secondary over flow of parking on the adjacent property and for the sewer line. He said the two lots should be

included in the project and authorization from the property owners. Mr. Johnston said he would review the memo and address the concerns.

Mr. Haseley made note that the property should be listed as being on the West side of Military Road between Packard Road and Recovery Road.

No further comments.

Mr. Murawski made a motion recommending a negative declaration on the SEQR for 2700 Military Road.

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 recommending the approval of the Sketch Plan that will include the memo from Mr. Haseley.

Mr. Murawski seconded the motion.

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

MOTION CARRIES

Presentation #5- The Broadway Group LLC and Kelton Enterprises represented by Development Manager, DeAnna Hyche and Marc Romanowski, Esq. of Rupp Pfalzgraf LLC.

Project Location: Lockport Road

Town of Niagara

**SEQR
Minor Subdivision Request
Tax Map# 132.14-1-4**

DeAnna Hyche, Development Manager of The Broadway Group, LLC and Marc Romanowski, Esq. of Rupp Pfalzgraf LLC are requesting a Minor Subdivision Request for property on 9400 Lockport Road. This application seeks to subdivide the existing 14.70 –acre single lot into four separate lots to facilitate the proposed commercial development. The proposed lots are as follows: (1) 1.722- acre lot for the development of a Dollar General; (2) 2.682-acre lot for the development of a Tom Hortons; (3) 6.293-acre lot to remain vacant for potential future development; and (4) 3.50-acre lot for the existing telecommunications use. 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

Mrs. Hathaway read the third paragraph of the memo dated June 27, 2023 from Charles Haseley, Building Inspector.

“The applicants after previously meeting and having discussions with the Planning Board regarding sketch plans for the “Project” by filing this application, for a subdivision “only” request has strayed from town’s required procedure as outlined in appendix B, and the Towns developers specifications Chapter 135, specifically 135-(1-4) of the Town code, by failing to provide the minimum required submittals for a preliminary site plan approval, but instead have chosen to seek segmented approvals (minor subdivision ONLY) based solely on a concept design (exhibit B) of the LOI.”

Mr. Romanowski said he disagrees with the statement and said it is not at all what they are presenting. He said they are continuing with the application process that they began at the last Planning Board meeting. He said the board asked for specific information and this is a continuation of that. He said they have full intentions of submitting an entire site plan application for the Tim Hortons. He said the Dollar General does have a complete site plan before this board. They still have more work to do for engineering and plan to provide more information sometime this month for the September meeting. They are not asking for any board action tonight.

Mr. Romanowski said they provided the following information in the package:

- More clarity and overall generalized site plan information regarding the two sites.
- Color rendering which provides the overall breakdown of the four lots that are parceled off as part of the subdivision process.
- Telecom facility already exists. The current landowner wants to maintain it.
- Toward the east is the Dollar General site. Mr. Romanowski wanted to note that they did their best to line up the drive across the street to where the Amazon Drive will be located.
- Further east the entire parcel is the 2 1/4 acre parcel that Kelton Enterprise is acquiring and of that, only a small portion is being used for the Tim Hortons.
- The same access points they discussed are the same at Tuscarora and Lockport Road.
- No current plans for the remaining lot.
- Mr. Wood was able to locate the actual distance where the guardrail comes down and does not impede the other parcel. There is still access point potential for this site to Tuscarora Road, so it would not be landlocked.
- The same company that provided the traffic study for the Amazon project did a traffic study for this project. They incorporated the anticipated traffic flows from the Amazon project. The conclusion to the traffic study was that there was not a significant impact.
- There was a question about the capacity of the lift station, which the sites may or may not use. He said they are very low-level water generation units and Tim Horton's and Dollar General are low end users.

Mr. Pucci questioned about the corner by Tim Hortons and Tuscarora Road. He said it gets very busy there with one lane, no turning lane, and no light. Traffic backs up there. He said his concern is the one driveway for Tim Hortons.

Mrs. Hathaway was concerned about the traffic being that parents are picking up children from the classes at the nearby non-profit agency, plus the overpass going over the railroad tracks. It takes a while to see the cars coming down the hill. Mr. Merrifield, Traffic Engineer, said they did not look at that because they did not know that this condition was there. He said they could do another site distance evaluation.

Mr. Pucci asked about the possibility of having one drive and common entrance off Lockport Road for both parcels/lots and having a common exit on Tuscarora Road for both lots. Mr. Romanowski said they have talked about it, but wanted to look at the traffic impact study first. He said ultimately, when you get two commercial users that try to share things it sometimes does not work well. Mr. Merrifield added that the peak time for Tim Hortons is different from the peak time for Dollar General. Mr. Romanowski said based on the traffic study the potential conflicts were not worth the benefits.

Mr. Pucci said there is a lot of empty space on the lot by Tim Hortons and asked if they are going to subdivide again. Mr. Romanowski said there is anticipation that there could be commercial use there. They do not have a tenant now, but if they do, it will be with Kelton's involvement since they are the landlord. He said this lot would be served by the two driveways that are already there.

Mrs. Hathaway asked Mr. Haseley about the possibility of an exit onto Tuscarora Road if a future tenant needed it. Mr. Romanowski said they would have to come back before the board for a site plan approval. Mrs. Hathaway is concerned of the area being landlocked. Mr. Romanowski said the parcel is not landlocked. They found the end of the guardrail and they can get out. There is 95 feet between the property line and the guardrail. Mr. Haseley had concerns about the easement and Mr. Romanowski said there is an easement there, but it does not mean you cannot cross it. He will get a copy of the easement for Mr. Haseley. Mr. Risman would also like to see the easement. Mr. Merrifield said there is a note in the traffic study that if there were any other planned development for the parcel the traffic study would have to be updated.

Mrs. Hathaway asked Mr. Haseley if this project has to go to the County because of the County Road. Mr. Haseley said he sent the request for subdivision to Niagara County Planning for review.

Mr. Risman spoke about long lines at Tim Hortons around Western New York. He asked about the cars coming in from Lockport Road and Tuscarora Road. Mr. Wood said if coming in off Lockport Road you would make a right go through the lot to the back. Mr. Merrifield said both driveways are full access.

Mr. Merrifield spoke about a question that was asked regarding the exiting out of Tim Horton's driveway to Lockport Road and if a left turn can be made. Mr. Merrifield said you could make a left turn. He said there are two exit lanes- one left and one right and one entrance lane coming in. Mr. Risman asked if you would have to cross two lanes if a left turn is made. Mr. Merrifield said you would have to go across the left turn lane to get to the eastbound lane. He said if there were cars in the left turn lane, you would have to wait for the cars to clear out. He said that would be the worst-case scenario if the left lane were very full. He said normally there is some buffer designed in that lane.

Mr. Murawski commented that he heard the same things from people about Speedway and how it will demolish the Town because of traffic. He said he does not see a problem with traffic at Speedway. He said cars are going across three lanes at Porter Road behind Speedway and across three lanes on Military Road by the taco stand. He said he does not think accidents have increased. Traffic seems to move well and traffic is a great thing for the Town. Too much traffic is why a business wants to be there. He does not think this current project will create more traffic.

Mr. Pucci agreed on what Mr. Murawski said about the traffic around Speedway, but mentioned that it has a 30 mile per hour speed zone. He said he has concerns regarding Lockport Road because the speed is 50 miles per hour. Trucks do not like to stop well.

Mr. Risman stated that the cars that come in from Tuscarora Road do not have a lot of space if cars are backed up. He said the number of cars pulling into Speedway have a lot more space for cars. If there is a problem, there is no room for leeway. Cars will get crammed into the smallest corner. Mr. Merrifield said they also pushed things back to get to the maximum number of stacking places in the drive. Mr. Romanowski said they have 12 stacking places, which is plenty during peak hour. Mr. Wood said 3 vehicles can be stacked if they line up that way and Mr. Merrifield said at the most you are getting a car every 6 minutes off that road.

Mr. Haseley brought up the situation that occurs at Tim Hortons at the four corners and how the backup of cars go onto Military Road. Mr. Haseley said there has been accidents.

Mr. Auerbach asked about the storm water improvements, if it is underground, and what happens if it is connected up if a future developer comes in next to Tim Hortons. Mr. Wood said they would design for both. Mr. Auerbach asked if they would connect Tim Hortons and Dollar General. Mr. Romanowski said the Tim Hortons site is predesigned for two sites and Dollar general is independent and has its own.

Mr. Risman asked if they are going to need a variance. Mr. Romanowski said for the number of parking spaces for Dollar General they will need a variance and for Tim Hortons they do not.

Mr. Auerbach asked about the center lane in Dollar General and if that is intended to go across to Tuscarora Road. Mr. Romanowski said it is not currently lined up because of a utility pole being there. Mr. Auerbach said it looks like the center lane has a straight arrow. Mr. Wood said if you were going to go to Tuscarora Road that would be the lane you would go in, but Tuscarora Road does not go anywhere. He said they could change the striping.

Mr. Auerbach asked about the lanes on Lockport Road west of Tuscarora Road that have both directions. He asked if the striping is such that you cannot make a left in from the turn lane. Mr. Wood said that means it is a center turn lane and you could make a right or left. Mr. Risman asked if a left could be made into Dollar General from that turning lane. Mr. Wood said it appears to be a restricted area. He asked why there is a left if you are traveling east. Mr. Auerbach said it is a left to nowhere. He said if you are traveling east on Lockport Road why would you be in the center turn lane and turn left because you can't go through the Tuscarora intersection where it heads south. Mr. Wood said it was designed with the Amazon project and before this project. Mr. Auerbach said they would have to study this because you do not want the situation where someone gets in the left lane and then decides they are not going to turn left and now they run directly into a right only turn lane.

Mr. Auerbach asked Mr. Romanowski if the Town were interested in having Tim Hortons and Dollar General combined would the developers consider it. Mr. Romanowski said probably not. He said they might consider traffic related concerns and access, but he does not see it as a single commercial development. Mr. Auerbach spoke about

the large amount of land to the north and asked if it was important to the Town Board, would they consider a 3-lot subdivision where the lot the cell tower is on and the vacant land to the north for proposed developments remain a single lot. He said you would just be creating the two development parcels. Mr. Romanowski said he would have to talk to his clients about it. Mr. Auerbach said the right of way easement might inform that. Mr. Romanowski agreed.

Mr. Auerbach asked about the need for a variance for Dollar General. Ms. Hyche said the parking went from 61 to 35. She said their stores do not require that many parking stalls. She said it is not a destination location and is a quick in and out trip. They could accommodate the parking. They prefer to keep less asphalt.

Mr. Auerbach asked if site distances were done between Tim Hortons to Tuscarora. Mr. Romanowski said they would look at that and get site distancing.

Mr. Auerbach confirmed with Mr. Romanowski about submitting the engineering and Mr. Romanowski said it is forthcoming. Mr. Auerbach asked about sequencing. He asked if they were amenable to tracking the site plan with the subdivision. Mr. Romanowski said yes. He said they are lacking too much information on Tim Hortons to make a full determination on it. Mr. Auerbach said initially there was request to do the subdivision first, independent of the site plan. He said to do them together is a better approach from the Town's perspective. Mr. Romanowski understood.

Mr. Auerbach recommends, on behalf of the Planning Board, the traffic study be updated to include the modeling for a range of reasonably anticipated proposed future development.

Mr. Auerbach mentioned again about the chance of connecting the two developments. He said it maybe is something to put in the back of mind as an alternative that includes a connection between the two developments.

Mr. Auerbach discussed vehicle access and pedestrian access between Tim Hortons and Dollar General and said this should be explored. Mr. Romanowski thought of this, but it is the management of cross easements, cross maintenance, and liabilities that can be a challenge.

Mr. Auerbach asked what the width is of the drive aisle south of the Tim Hortons building. Mr. Wood said it would be 24 feet in both directions and 36 feet coming in. Mr. Auerbach asked for some turning distances to be shown in the plans.

Mr. Auerbach stated that at some point the SEQR would have to be figured out and started. Mr. Romanowski said once they get the site plan they will coordinate that.

Mr. Auerbach asked if a supplementary report can be done that walks the board through the trip generation associated with the shift changes. Mr. Romanowski mentioned it is not adding new cars that are not already analyzed. He said the traffic study already has all the cars coming out of Amazon on shift changes on the road network.

No further comments.

Mr. Pucci made a motion to table the request for subdivision.

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 wanted to make it a matter of record that at the July 5, 2023 Planning Board meeting Jarret Johnston of Advanced Design Group, representing Joe Cecconi's Chrysler Service Center, indicated he had not seen the Town of Niagara Building Inspectors memo dated June 30, 2023. Mrs. Hathaway stated she has seen the copy of it and it was mailed to them on June 30, 2023.

Mr. Murawski made a motion to approve the minutes from the July 5, 2023 Planning Board meeting.

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 adjourn the meeting at 7:16 pm.

Mr. Pucci seconded the motion.

ROLL CALL:

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

NO- (0)

ABSTAIN (0)

MOTION CARRIES

NEXT MEETING: The next Planning Board meeting will be on Tuesday, September 5, 2023 at 6:30 pm.

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary