

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

April 2 2024

6:30 pm

Meeting held at the Town Hall

BOARD MEMBERS PRESENT:

Robert McDermott/Chairman
Darlene Sullivan
Josephine Brevetti-Runkle (Alternate – Voting Today)
Barbara Hathaway

BOARD MEMBERS EXCUSED:

Eugene Pucci
John Polka

IN ATTENDANCE:

Jeff Brylski	Charles LoCurto	Bill Lewis
Jim Schiffauer	DeAnna Hyche	Nick Pasterneck
Kim Powell	Richard Sirianni	Richard Riccelli
Johnny Parks	Gerald Hathaway	Mark Lalemie
Jennifer Parks	Corey Auerbach	Chris Wood
Mark Romanowski	Garrett Rutkowski	
Charles Haseley	Michael Fogel	

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

Josephine Brevetti-Runkle (alternate) will be acting in her capacity as a planning board member tonight

I. PRESENTATIONS:

Presentation #1- Riccelli Northern represented by Christopher Wood, PE of Carmina Wood Design.

Project Location: 3214 Haseley Dr.

**(Portable Redi-mix Concrete Batch Plant)
Town of Niagara**

**Preliminary Site Plan Review
Tax Map# 146.01-1-6**

I. Christopher Wood, P.E. is requesting a Preliminary Site Plan Review for property on 3214 Haseley Dr. (Portable Redi-mix Concrete Batch Plant). The property is located on the west side of Haseley Drive North of the dead end. Tax Map Number: 146.01-1-6 and SEQR

Christopher Wood is proposing a portable batch plant that is associated with the Amazon Project. He shows an aerial view of the site. He then shows the route the concrete trucks will take to the Amazon site and back. The delivery truck route would be from Packard Rd to the plant. He also states that once the Amazon project is done all of the equipment and features will be removed and the site will be returned to its current state of, as is condition. The concrete pad will be 20 ft by 80 ft. There is a tank that holds the cement material and three bins that hold the sand and stone that goes into the concrete. As part of the project, they are going to put in a new water service. Which will also be removed at the end of the project. There will be a small portable office. And sanitary facilities will be via Porta-Potty. They will have parking along the south side. There will be a generator and a couple of small diesel tanks. The plan is to connect to Public Power but if they cannot get that, the generator will be used instead. But either way the generator will be there. The water connection will be South of the air base as requested by the Water and Sewer Department. The new driveway will connect past the existing plant. They understand that there is a resident across the street and so they will divert traffic away from there. They are also going to provide a couple of screening barriers as a visual barrier, which will be 12 ft. high and have fabric on them.

Mr. McDermott asks about a sound barrier. Mr. Wood then shows the route to the concrete plant for materials for delivery trucks from Packard down Haseley turning into the Ventry Concrete parking lot and then they will circle around behind the existing Ventry concrete building. He shows the existing vegetation at the site. They have already gone to the Niagara County planning board and gotten a positive recommendation from the county.

Mrs. Hathaway asks if Riccelli Northern has received the review and comments from our Town engineers GHD. Mr. McDermott asks about a silt fence and Mr. Wood agrees that they can put one in as requested. Mr. McDermott asks about the operating hours of the portable Ready Mix Concrete batch plant. Richard Riccelli president of Riccelli Northern explains that the plan to deliver the sand and gravel incoming traffic is 5 days a week 7:00 a.m. to 4:00 p.m. roughly four trucks per hour per day. In addition, the site dictates when the Ready Mix Concrete will be delivered which is expected to be 3-4 days per week starting at 5:00 or 7:00 a.m. and ending at 3:00 or 5:00 p.m.

Mrs. Hathaway asks if it's coming from Lockport and Mr. Riccelli says that the aggregate one and two grade stone will be coming from the Lockport Quarry, and the sand is coming from Collins New York.

Mr. McDermott asks about the sound barrier, and if the fence by the road will take care of the sound. Mr. Wood confirms that it will, and adds that the planned position behind the existing Ventry concrete building will also mitigate the sound and be a buffer.

Mrs. Hathaway asks if they are going to be putting in a 12-in deep Gravel Road in order to take the equipment back and forth to the Amazon site. Mr. Wood confirms that they are and that they are making the entrance.

Mrs. Hathaway asks Mr. Auerbach if he thinks it is okay to elevate this to a final site plan. Mr. Auerbach replies that it is.

Mrs. Hathaway moved to elevate the Ready Mix Portable Concrete batch plant to a final site plan approval. The motion was seconded by Mrs. Sullivan and carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

Mrs. Hathaway moved to recommend approval of the final site plan for the Ready Mix Portable Concrete batch plant. The motion was seconded by Mrs. Sullivan and carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

II. MEETING:

Presentation #1- The Broadway Group, LLC represented by Marc Romanowski, Esq. of Rupp Pflanzgraf LLC and Christopher Wood, P.E.

Project Location: 9400 Lockport Road

Revised Site Plan Review submitted 3/28/2024

Tax Map# 132.14-1-4

**(Dollar General and Tim Hortons)
Town of Niagara**

Marc Romanowski, Esq. of Rupp Pflanzgraf LLC, and Christopher Wood, P.E. are requesting a Revised Site Plan Review for property on 9400 Lockport Road (Tim Horton's and Dollar General). 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**

Mark Romanowski and Chris Wood for the Broadway group Tim Hortons and Dollar General. Mr. Romanowski stated that the planning board had asked for some additional information on elevations some follow-up water sewer information, as well as landscaping.

He shows a rendered site plan to see what the building will look like when it's finished. He says that the site next to the Tim Hortons is planned for Green Space currently mostly lawn and some Landscaping. He shows a planting schedule.

Mrs. Hathaway asks about maintenance of the Landscaping including watering. Mr. Wood states that there is no irrigation system planned but that the franchisee is meticulous in his care at his other Tim Hortons sites and that Dollar General will also keep up the Landscaping that is installed. Mr. Romanowski agrees to allow maintenance of the Landscaping to be a condition of this approval.

Mrs. Hathaway asks about a local representative for Dollar General. Mr. Romanowski explains that although Dollar General is not a local company they will have contact information available for a store manager who will be a local legal representative. But that we can also contact the Broadway group if any issues arise.

Deanna Hyche with the Broadway group states that they do have interested parties that are local and that the landlord is local.

Mr. Romanowski continues to show site details showing renderings of the buildings from the front and sides. He produces samples of the materials that will be used on the exterior which are brown toned for both the Tim Hortons as well as the Dollar General. Mr. McDermott asks about light bollards in the parking lot and Mr. Romanowski confirms that they will be there but are not shown on this rendering. There will be awnings over the simulated windows awning over the main front door and the lights over top of it. He also says that the right side of the building will look like the left side of the building.

Mrs. Hathaway asks about the back left area will be where the dumpster is. Mr. Romanowski explains that it's an enclosed area. Mr. McDermott explains that no materials are allowed to be stored outside. Mrs. Hathaway asks if it's a larger area than normal for a dumpster. Mr. Romanowski explains that a normal dumpster enclosure is two wide and this is three wide. Mr. Romanowski agrees to a condition that the dumpster will have a lid on it. He then presents the view of the Tim Hortons. The new model has both wood and concrete materials and that the Dollar General has decided to use colors that are complementary to the Tim Hortons.

Mr. Romanowski states that he'd like to clarify that the road area in front of the store was proposed to be widened for the Amazon project. The DOT evaluated this project with both options of the project being done with or without Amazon's road widening. And that they mandated a right out only on Tim Hortons on Lockport road.

Mr. McDermott states that he spoke with National Grid and they are able to move the pole 15 to 20 ft. Mr. Romanowski states that he was unable to get anything in writing stating that they would not move the pole power line pole because his contact retired. They are unwilling to move the pole due to the amount of infrastructure in this area. Mr. McDermott again States that the reason for the pole to be moved should be that the purpose of the egress requires that ease of access is restricted. And that if the exit is on the corner of Tuscarora and the air base the ability to turn right and left is achieved and it makes a safe and easy access into that area. By doing so the third parcel between the proposed Tim Hortons and Dollar General would not require additional access to Lockport road. Mr. Romanowski States that they have no intention of putting another entrance there and that they probably will not sell the property in question that Tim

Hortons would potentially develop that piece. Mr. McDermott again states that moving the pole should be looked into as part of the conditions of approval. As there is a lot of traffic down Tuscarora Road there and there are often cars waiting to turn. Mr. Romanowski again states that the DOT had no concerns about the alignment of the driveway with the street. Dollar General and Tim Hortons are not high volume generators from a traffic standpoint they usually pull in existing traffic.

Mr. Romanowski agrees to follow all water and sewer comments including a contribution of \$24,000 towards the town of Niagara lift station upgrade for that area.

Mrs. Hathaway States that last month when they were in front of the planning board there were a list of questions that that were requested to be answered and that now all of those questions have been answered with the exception of the moving of the power line pole.

Motion to Elevate to final site plan review subject to conditions as outlined by was made by Mrs. Hathaway. Including zoning board approval of the parking variants compliance with the departmental comments from Highway GHD engineers building and water sewer. Seconded by Darlene Sullivan and carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

Presentation #2- NF Four LLC, c/o Kevin DiPirro

Project Location: 1900 Military
(Sonic Restaurant – Fashion Outlet Mall)
Town of Niagara

Revised Site Plan
Tax Map# 145.20-1-15

Kevin DiPirro of NF Four LLC is requesting a Revised Site Plan review for the construction of a new Sonic Restaurant located at the property on 1900 Military Rd. (Fashion Outlet Mall). The property is located on the West side of Military Rd between Fashion Outlet Blvd and Niagara Falls city limits. **Tax Map Number: 145.20-1-15 and SEQR**

Christopher Wood P.E from Carmina Wood Designs is here as a representative for the project. They do not have any updates for the project at this time; however, he offered to answer any questions that the board might have about the project. Mr. Wood explains that the only thing that is missing currently are the engineering comments. Mr. Wood offers to make approval contingent on meeting those comments. Mr. McDermott Provides the Comments from GHD the town

engineers (which was not received). Mr. McDermott explains that the fence around the outdoor patio that is shown on the renderings was not present on the plans.

Mr. McDermott says that additionally pedestrian access from Military Road should be considered to limit pedestrian and vehicle conflicts in the mall and restaurant drive lanes. Mr. Wood agrees that it is in their benefit to do so.

Mr. McDermott asks about the Comments from the water department. Mr. Wood states that he has not seen them. The planning board agrees to forward him a copy.

Mrs. Hathaway asks about if bollards will be a part of the fence. Mr. Wood states that as per GHD's recommendation they will look at the incorporation of bollards into the fence.

Mr. McDermott reminds him that the demolition waste material was not included on the environmental assessment form. He explains that if the existing building is being torn down then there will be waste so the form needs to be corrected.

Mr. Auerbach states that he has informed Patrick Sheedy that the document needs to be amended and resubmitted to the town board. He continues to explain that Mr. Sheedy make a very thorough presentation at the last meeting that included a rendering and walkthrough of the site plan.

Mrs. Hathaway motions to elevate to final site plan review subject to conditions including complying with all water/sewer, engineer and highway comments.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

Mrs. Hathaway motions to approve the final site plan subject to conditions including complying with all water/sewer, engineer and highway comments. Mr. McDermott seconds and motion carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

III. MINUTES: Approve the revised Planning Board minutes from the March 18, 2024 Planning Board meeting as corrected. The next Planning Board meeting is scheduled for May 7, 2024 at 6:30 pm.

Mrs. Hathaway motions to approve the revised Planning Board minutes from the March 18, 2024 Planning Board Meeting. Mr. McDermott seconds and motion carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

Mr. McDermott made a motion to adjourn the meeting at 7:25 pm
Mrs. Hathaway seconds and motion carried.

Ayes 4, Mrs. Brevetti-Runkle, Mrs. Sullivan, Mrs. Hathaway, Mr. McDermott
Noes 0,
Absent 2,
Result: Approved

Respectfully submitted,
Jackie Duff