

**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**

**March 7, 2023**

**6:30 pm**

**Meeting held at the Town Hall**

**(Minutes approved at the April 4, 2023 Planning Board meeting)**

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**BOARD MEMBERS PRESENT:**

Barbara Hathaway/Chairman  
Dennis Collins  
Mike Murawski  
Eugene Pucci

**BOARD MEMBERS EXCUSED:**

John Polka

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**IN ATTENDANCE:**

Corey Auerbach  
Robert Creenan  
Sean Ferry  
Steve Fuller  
Chuck Haseley  
Gerald Hathaway  
Arthur Jocoy  
Arthur Jocoy Sr.

Jarret Johnston  
Robert Lannon  
Mike Risan  
Miranda Robinson  
Rick Sirianni  
Lou Terragnoli  
Gina Wolfman

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

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**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**

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Mr. Terragnoli stated he was before the Zoning Board and made the same presentation as he did at the February 7, 2023 Planning Board meeting. He said they approved all the variances for the signage plan with the exception of the

highway sign. Mr. Terragnoli stated he heard back from the Air Force Base and they had no comments and are deferring to the NFTA. Mr. Terragnoli said he does not have the NFTA comments.

Due to past comments made by Planning and Zoning Board members regarding the size and height of the highway sign, Mr. Terragnoli presented the Planning Board with a handout illustrating a new idea for the sign. Mr. Terragnoli said the illustration of the sign shows it to be 100 feet in height instead of the 115 feet previously presented. The size of the sign would also come down from 926 square feet to 742 square feet. They removed the Amvest panel and kept the fuel price and the tenants' names on the sign. One of the tenants is Tim Hortons and the other, a sit down restaurant, has not been determined.

Mr. Murawski thanked Mr. Terragnoli for making the adjustments to the highway sign, but did not think the Planning Board could recommend approval until the NFTA approves. Mrs. Hathaway asked about a 30-day ruling and Mr. Risman, Mr. Haseley, and the Planning Board discussed. It was determined that if no word is received by NFTA by the Zoning Board meeting on March 14, 2023 then the highway sign can be approved with the Zoning Board approval.

No further comments.

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**Mr. Pucci made a motion recommending approval of the 100-foot sign in accordance with the Zoning Board of Appeals approval at the March 14, 2023 meeting. If no word is heard from the NFTA by that date, then the approval can be passed.**

**Mr. Murawski seconded the motion.**

**ROLL CALL:**

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

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

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

**Project Location: 3001 Military Road**

**Town of Niagara**

**SEQR**

**Preliminary Site Plan Review**

**Tax Map # 145.07-4-81**

Steve Fuller, owner of Steve's Heating and Cooling, is requesting a preliminary 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**

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Mr. Fuller said his company has been expanding in the last couple years. He said they have gone from 8 trucks to 13 trucks. They currently keep 4 trucks outside, but he said it is hard to plow with the trucks and he has concerns that people will break into the trucks. He said they have been broken into so many times. The windows get broken and the tools get stolen. He said they do have a good security system in place.

Mrs. Hathaway asked about the road going to the back of his property and was concerned about large deliveries being able to get back there. Mr. Fuller said the road is wide and he said you can take a tractor trailer back there.

Mr. Collins asked if the area would be lit up. Mr. Fuller said it would be and he has a good security system.

Mr. Murawski asked how long Mr. Fuller has been in business. Mr. Fuller said 33 years.

Mrs. Hathaway asked if they are going to have water in the new area. Mr. Fuller said it will be strictly power with no water or bathrooms. He is only using the new building to store 4 more trucks and to store stock, car parts, etc.

No further comments.

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**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**

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**Mr. Murawski made a recommendation to approve the preliminary site plan for Steve's Heating and Cooling and to construct a 3600 square foot building at 3001 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**

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**Presentation #3- Packard Storage, Arthur Jocoy, Owner represented by Advanced Design Group, Kristin Savard, PE, President/Owner ADG**

**Project Location: 6410 Packard Road**

**Town of Niagara**

**SEQR**

**Preliminary Site Plan Review**

**Tax Map # 145.15-2-3.1**

Kristin Savard, President and Owner of Advanced Design Group., is representing Arthur Jocoy, property owner and applicant. They are requesting a preliminary site plan review for the construction of a warehouse and self-storage building. The project will be located on the existing vacant parcel to the west of Jocoy's Collision, which is on the west side of Packard Road between Military Road and New Road.

**Tax Map Number: 145.15-2-3.1**

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Jarret Johnston introduced himself along with Sean Ferry who will be presenting in place of Kristin Savard.

Mr. Johnston stated the lot is currently vacant. They want to put up a warehouse and self-storage in the back.

There will be two phases. In the first phase they will be putting up the warehouse in front and the storage building in the back for self-storage. They will also add the paved areas. The second phase will be to add two more buildings in the rear of the property. He said they are conveying storm water through catch basins and vegetated swales to hold it back from exceeding into existing conditions. He said they have provided parking spots as per town code and there is ample room for turning movements throughout the parking areas. He said they are also going for a use variance for the warehouse building and outdoor storage of RV's, boats and vehicles.



Mrs. Hathaway said in the past they have experienced problems with people regarding storage and outdoor parking. Cars would start building up and some with flat tires. She stated that it does not look good. She asked what the owners will do to prevent this. Mr. Johnston said they will pick and choose who they decide to rent their areas to and they have a strict policy to not allow this sort of thing to happen. He said they will not allow any commercial equipment (big bulldozers and tractors) on the property. It is for people who want to keep their camper on the property during the winter time.

Mrs. Hathaway asked how long it would take for Phase 1. Mr. Johnston said within the first year. Mrs. Hathaway asked about parking and Mr. Johnston said there will be parking along the front and along the property line.

Mr. Pucci asked if there is a billboard on the corner of the property. Mr. Johnston said yes and it is accessible.

Mr. Murawski asked how long the Jocoys have been there and it was stated as 48 years.

Mr. Lannon said he did not have a problem with the site plan, but does have some comments regarding the utilities and linear questions that he has. He stated the site plan can be approved based upon the Planning Boards decision contingent upon addressing his comments.

No further comments.

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**Mr. Murawski made a motion to recommend approval for 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**

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**Mr. Murawski made a recommendation to approve the preliminary site plan for Jocoy's Storage at 6410 Packard Road contingent upon meeting the Town Engineer, Robert Lannon's recommendations.**

**Mr. Pucci seconded the motion**

**ROLL CALL:**

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

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

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**Presentation #4- AC Power LLC, Paula Lancaster, Senior Director-Development**

**Project Location: 5600 Niagara Falls Boulevard**

**Town of Niagara**

**SEQR**

**Preliminary Site Plan Review**

**Tax Map #'s- 145.19-1-1 & 3 (Town) and  
16.07-1 & 5 (City)**

Paula Lancaster, Senior Director of AC Power LLC, is requesting a preliminary site plan review to develop an inter-municipal solar (PV) Generation facility on 42 acres of an existing landfill. The property is located at 5600 Niagara Falls Boulevard. The Town portion is located on the south side of Packard Road between Military Road and 47<sup>th</sup> Street.

**Tax Map Numbers: 145.19-1-1 & 3 (Town) and 16.07-1 & 5 (City)**

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Gina Wolfman introduced herself and stated that Paula Lancaster will not be presenting. Miranda Robinson is also present for the presentation. Ms. Wolfman stated she has copies of the use variance request and presented them to Mrs. Hathaway, however, copies were previously included in the applicant packets to the Planning Board.

Ms. Wolfman stated that AC Power is a woman owned business, a solar developer based in New York and their mission is to develop solar on previously disturbed sites such as landfills, mining sites, etc.

Ms. Wolfman said the project is two community solar projects based on the Pine Avenue landfill site. The project is on 4 parcels all in the Town of Niagara. Access is from Packard Road for construction and maintenance. Republic Service has authorized the access to keep traffic off of Niagara Falls Boulevard.

Ms. Wolfman said they will be going for a use variance. The sites in the SW district doesn't allow for solar.

Ms. Wolfman stated that the applicant packets presented to the Planning Board included the following:

- Letter of intent
- Civil plan set
- Decommissioning plan
- Environmental Assessment form for SEQR
- Wetland memo
- OPRHP documentation
- Storm water and Pollution Prevention Plan
- Airport notification
- FAA screening
- Glare analysis
- Town Board Action Request form
- DEC (submitted a post closure Use Modification Request which is currently under review)

Mr. Pucci asked how long the panels last. Ms. Wolfman said it has a 25-year lease with two five-year extensions and they maintain 80 % up to 20 years. She said she can double check on that and report at the next meeting.

Ms. Wolfman stated that to help with glare they put an anti-reflective product on top of the panels.

Mrs. Hathaway asked how they maintain the greenery once the panels are up. Ms. Wolfman said they have a regular Operations and Maintenance Plan facility, so if there is mowing to be done they would maintain it.

Mrs. Hathaway confirmed that this project is all in the Town of Niagara and heard it can benefit the Town. Ms. Robinson stated it will-100 %. Ms. Wolfman stated that the projects are community solar projects so residents would benefit in that way and she believes they would be working with the Town with some sort of community benefits plan. Ms. Wolfman said typically the residents would save 15-20 % on their bills with a subscriber organization that a resident would register with.

Mr. Risman commented that this is a perfect use for a landfill and NYS encourages it. He said it will help in the assessment case and benefit the Town from lease payments, pilot payments to the Niagara Wheatfield School District, the County and Town along with energy savings for the residents.

Mr. Lannon said some minor edits have to be made on the SWPPP, but the drawings for this project are fine.

Mrs. Hathaway asked how long their company has been in business. Ms. Wolfman said since 2016.

Mr. Risman said if a project is under 20 acres the State law was amended to not require a SEQR. He said this project is over 20 acres so the lead SEQR the Town Board has to do a coordinated review. He said no motion needs to be made by the Planning Board regarding the SEQR.

Mr. Risman also commented that the presenters are coming from Syracuse and they will have to also go through the Zoning Board and Town Board. He suggested that this project be elevated to a final site plan, if the Planning Board

feels comfortable doing so. Mr. Haseley had no objections to this and the Planning Board all agreed that it can be elevated to a final site plan.

No further comments.

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**Mr. Murawski made a motion to elevate this project with AC Power developing solar panels at 5600 Niagara Falls Boulevard to a final site plan.**

**Mr. Pucci seconded the motion.**

**ROLL CALL:**

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

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

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**Mr. Murawski made a recommendation to approve the minutes from the February 7, 2023 meeting.**

**Mr. Pucci seconded the motion**

**ROLL CALL:**

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

**NO- (0)**

**ABSTAIN (0)**

**MOTION CARRIES**

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**Mr. Murawski made a motion to adjourn the meeting at 7:31 pm.**

**Mr. Pucci seconded the motion.**

**ROLL CALL:**

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

**NO- (0)**

**ABSTAIN ( )**

**MOTION CARRIES**

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**NEXT MEETING: Tuesday, April 4, 2023**

Respectfully submitted,

Kimberly Meisenburg  
Planning Board Secretary