



**NIAGARA COUNTY PLANNING BOARD**  
SAMUEL M. FERRARO CENTER FOR ECONOMIC  
DEVELOPMENT  
6311 INDUCON CORPORATE DRIVE  
SANBORN, NEW YORK 14132

**Joseph Kibler**  
**Chairman**

Phone: (716) 278-8750  
Fax: (716) 278-8757

**MEETING MINUTES**

**Niagara County Planning Board**  
**6311 Inducon Corporate Drive – Suite One**  
**Sanborn, New York 14132**  
**Monday, October 21, 2024 – 2:00 p.m.**

**Members Present:** William Agronin, J. Anthony Collard, Walter Garrow, Joseph Kibler, Norman Machelor, James Sobczyk, Mary Jo Tamburlin

**Members Absent:** Michael Carney, Thomas Ohol, Garret Meal (Ex-officio)

**Staff Present –** Nathaniel Bonafede, Margit Denning

1. The meeting was called to order at 2:00pm.
2. Approval of the September 16, 2024 meeting minutes - A motion for approval was made by Mr. Garrow and seconded by Mr. Agronin. Unanimous. Carried.
3. Niagara County Planning Board Referrals

**No. 6962 – Town of Wheatfield – Zoning Map Amendment**

Request by Sentry Development Corp. c/o GT Custom Homes for the Planning Board to review a Zoning Map Amendment to rezone 9.87+-acres of property along Nash Road near Niagara Falls Boulevard from C-1 Commercial to R-C Restricted Commercial in order to develop townhomes on the site. Jacob DiMatteo from GT Custom homes was present to discuss the project. Prior to 2017, the property was zoned R-C Restricted Commercial. After the Town of Wheatfield updated its comprehensive plan in 2017, the property was rezoned to C-1 Commercial, which at the time included every use allowed in the R-C Restricted Commercial district. In 2022, C-1 Commercial regulations were amended to no longer allow residential uses. Mr. DiMatteo is requesting to revert the zoning back to what it was prior to 2017 in order for the property to be used as originally intended. The proposed zoning is consistent with surrounding uses. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

**No. 6963 – City of North Tonawanda – Site Plan Review**

Request by Andrew Romanowski for the Planning Board to review an amended site plan to allow for the construction of a 4-story residential building with 48 apartments and a 4-story mixed use building, with a one story building attached, containing 39 apartments and approximately 8,500 sq. ft. of commercial and amenity space located at 235 River Road. The property is 3.10 acres and is zoned DD Downtown Mixed-Use. There was no representative present to discuss the project. The original site plan was reviewed and approved by the Board at the December 2023 meeting. Mr. Bonafede stated that the request involves the reconfiguration of the inside of both buildings to add an additional 15 apartments. There will be no changes to the building's exterior and the site layout remains consistent with the previously approved site plan. The board had no concerns. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6964 – City of North Tonawanda – Site Plan Review**

Request by Lamar Advertising for the Planning Board to review a site plan to allow for the construction of a digital/static billboard on the property located at 711 Niagara Falls Boulevard. The property is 0.9 acres and is zoned C2 General Commercial. Peter Shea of Lamar Advertising was present to discuss the project. Mr. Shea identified the proposed location of the sign on the property; it will be on the southeastern tip of the lot. The property is currently used for car sales. The billboard will be 30' in height with a 10' x 21' signage face. It will be used for off-premise advertising. The north face of the billboard will be digital and the south face static. The board asked questions regarding sign illumination and potential impacts on area homes. Mr. Shea

stated that the sign will face the roadway and light will not be directed towards any homes. The sign will be on an automatic dimmer. A motion for approval was made by Mr. Machelor and seconded by Mr. Collard. Unanimous. Carried.

**No. 6965 – City of North Tonawanda – Site Plan Review**

Request by Ron Wang for the Planning Board to review a site plan to allow for the construction of an additional storage building for the auto body shop located at 565 River Road. The property is 2.3 acres and is zoned M2 General Industrial. There was no representative present to discuss the project. Mr. Bonafede showed a map of the property and identified the location of the proposed structure. It is a 54' x 130' pole barn style structure that will be located along the western property line, behind the existing Qwik Fill gas station on River Road. The structure will be used for storage by the existing auto repair shop on the property. It is set back significantly from River Road. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

**No. 6966 – Town of Royalton – Zoning Text Amendment**

Request by The Town of Royalton for the Planning Board to review a Zoning Text Amendment to allow for revisions to Dimensional and Use Regulations pertaining to structure foundations in the Town of Royalton. Anthony Serianni, Assistant Town Attorney for the Town of Royalton was present to discuss the amendment. Mr. Serianni stated that the amendment will eliminate the requirement for a 14" foundation for pole barn construction. The existing law was deemed to be outdated and the amendment was made on the recommendation of the New York State Code Council. The board asked for clarification on if the law applied only to a specific property or if it has town wide effect. Mr. Serriani confirmed that the law has town wide effect and is not tied to a specific property. A motion for approval was made by Mr. Agronin and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6967 – Town of Royalton – Local Law Amendment, Moratorium**

Request by The Town of Royalton for the Planning Board to review a local law amendment to extend a moratorium on solar energy storage device installations within the Town for a period of six months. Anthony Serianni, Assistant Town Attorney for the Town of Royalton was present to discuss the moratorium. Additional information was provided by Andrew Reilly of Wendel Companies. Mr. Serianni stated that the town is still in the process of amending their battery energy storage law and wishes to extend the existing moratorium for a period of six months. It will be the Town's second moratorium on battery energy storage systems. Mr. Reilly added that many New York State communities are enacting moratoriums on battery storage systems in order to adequately address fire and safety concerns while anticipating changes to the state fire code. The board asked if there are any battery storage system applications pending in the Town. Mr. Serianni said that there are no pending applications. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6968 – Town of Wheatfield – Special Use Permit**

Request by Gus Nicholson for the Planning Board to review a Special Use Permit request to allow for the construction of a diesel fueling island and canopy at 6724 Williams Road. The property is 1.4 acres and is zoned C-1 Commercial District, O-3 Airport Zone One Overlay District, and O-2 Niagara Falls Boulevard Overlay District. Tom Piasek, Site Civil Designer for Joe's Kwik-Mart, was present to discuss the project. The new diesel canopy and dispensing area will be installed on the south side of the existing facility. The existing single access driveway on Niagara Falls Blvd. will remain. The two driveways on Williams Road will be closed and a new driveway will be cut based on recommendations of the New York State Department of Transportation. Two storm drains will be increased in size to meet standard design flow. New landscaping will be installed. All Town requirements will be met regarding parking, building, setbacks, etc. Signoff from DEC has been received. Discussion followed regarding FAA, NFTA and NFARS approvals and the project's compliance with the Airport Overlay. The board advised the applicant to submit the project to all necessary agencies. A motion for approval was made by Mr. Sobczyk and seconded by Mr. Agronin. Unanimous. Carried.

**No. 6969 – Town of Somerset – Zoning Map Amendment**

Request by Wulf Compute, LLC for the Planning Board to review a Zoning Map Amendment to allow for an amendment of 22.2 acres of the overall PUD designated area located at 7725 Lake Road to accommodate the construction of a proposed Artificial Intelligence Data Center. John Marabella, applicant and Andrew Reilly, consultant for the Town of Somerset were present to discuss the project. Mr. Reilly stated that an amendment to the existing PUD designation of the former power plant site is required any time a new project

is proposed on site per the Town Comprehensive Plan. An existing Cryptocurrency mining facility occupies an adjacent section of the power plant site, and this amendment would allow for the construction of an Artificial Intelligence Data Center and associated buildings on the 22.2 acre portion of the property. Mr. Marabella added that a site plan application has also been submitted to the town. The proposed project area was formerly occupied by a now demolished section of power plant. The project has gone through the SEQR process. Mr. Agronin asked where the electricity to power the proposed data center will come from. Mr. Marabella stated that power will come from the NYSEG substation as well as from a solar energy facility that is proposed to be constructed elsewhere on the power plant site. Mr. Reilly added that the solar project does not require local approvals and will go through the State. Discussions about noise levels followed. Mr. Marabella stated that the company will be installing low noise cooling fan motors and blades, as well as noise monitoring equipment in order to mitigate any impact on surrounding properties. A motion for approval was made by Ms. Tamburlin and seconded by Mr. Agronin. Unanimous. Carried.

**No. 6970 – City of North Tonawanda – Site Plan Review**

Request by Jason Caron for the Planning Board to review a site plan to allow for the Construction of an 80' x 45' garage to be used for storage by the existing business located at 139 Division Street. The property is 0.57 acres and is zoned C1 Neighborhood Business. Jason Caron was present to discuss the project. Mr. Carron stated that the building will be located 80' from the rear yard fence line. The building will be used for dry storage by the existing commercial flooring company located on site. A motion for approval was made by Mr. Sobczyk and seconded by Ms. Tamburlin. Unanimous. Carried.

**No. 6971 – Town of Lockport – Site Plan Review**

Request by Benderson Development Company, LLC for the Planning Board to review an amended site plan to allow for the relocation of the driveways located at 6009 South Transit Road in order to create additional separation between the driveways and the South Transit/Robinson Road intersection. The property is 3.23 acres and is zoned B-2 General Business Use District. James Boglioli of Benderson Development was present to discuss the project. Mr. Boglioli stated that the previously approved Kaleida Health building is currently under construction. During construction, the New York State Department of Transportation requested that the two driveways be shifted farther away from the intersection to improve driving conditions. The amended site plan reflects those changes. The South Transit Road driveway will be shifted south to line up with Meadow Lane and the drive aisle within the parking lot. The Robinson Road driveway will be moved further away from the intersection and will align with the drive aisle running behind the building. The improvements will also enhance driving conditions on the site by allowing for a smoother flow of traffic into the parking lot. No other changes are proposed. A motion for approval was made by Mr. Garrow and seconded by Mr. Machelor. Unanimous. Carried.

**No. 6972 – Town of Hartland – Zoning Text Amendment**

Request by the Town of Hartland for the Planning Board to review a Zoning Text Amendment to allow for the revision of Town Zoning Law section 144-17: Solar Energy Systems, in order to bring it into conformance with the recently amended town comprehensive plan. Michael Dowd, attorney for the Town of Hartland, and Margaret Zaepfel, Town Supervisor were present to discuss the amendment. Mr. Dowd explained that the town seeks to bring the law into conformance with the town's comprehensive plan. The amendment restricts the allowable size and geographic location of solar energy systems within the town. The goal is to preserve the town's agricultural character by limiting the sprawl of large scale solar energy systems within the town. A motion for approval was made by Mr. Garrow and seconded by Ms. Tamburlin. Unanimous. Carried.

**No. 6973 – Town of Hartland – Zoning Text Amendment**

Request by the Town of Hartland for the Planning Board to review a Zoning Text Amendment to allow for the revision of Town Zoning Law section 144-20: Battery Energy Storage Systems, in order to bring it into conformance with the recently amended town comprehensive plan. Michael Dowd, attorney for the Town of Hartland, and Town Supervisor Margaret Zaepfel were present to discuss the amendment. Mr. Dowd explained that the intention of this request is identical to that of the previous request. The amendment will restrict the size and geographic location of battery energy storage systems within the town in order to limit sprawl. A motion for approval was made by Mr. Machelor and seconded by Mr. Collard. Unanimous. Carried.

4. Old Business – Board members reflected on the October 1, 2024 county hosted training session. Mr. Bonafede encouraged board members to be on the lookout for additional training opportunities in order to meet the four credit requirement.

5. New Business – Mr. Bonafede informed the board of SEQR lead agency designation correspondence received from the Somerset Town Board for the town's short term rental law, as well as a public hearing notice received from the Town of Pendleton Zoning Board of Appeals regarding a property on Townline Road. No action is required by the board at this time.

Adjournment – A motion to adjourn the meeting was made by Mr. Sobczyk and seconded by Ms. Tamburlin at 2:54 pm. Yes 7, No 0. Carried.

Respectfully submitted,



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Margit Denning, Recording Secretary