

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



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TOWN OF NIAGARA PLANNING BOARD MEETING (Conference Call Session)
MINUTES (Approved at the August 4, 2020 Planning Board meeting)
July 7, 2020

BOARD MEMBERS PRESENT:

Barbara Hathaway/Chairman
Renee Granto
Mike Murawski
John Polka

BOARD MEMBERS EXCUSED:

Ed Herman

IN ATTENDANCE:

James Boglioli/Benderson
Charles Haseley, Town of Niagara Building Inspector
Jeffery Palumbo/Barclay Damon

Harold and Amber Wollaber
Christine Wightman/Centerline Communications, LLC
Roseanne (last name not given)

The meeting was called to order at 7:00 p.m.

Pursuant to Executive Order No. 202.1, issued by Governor Cuomo on March 12, 2020, and advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Planning Board convened this meeting remotely.

Mr. Haseley requested permission to withdraw Presentation # 2 that was on the agenda for this evenings meeting.

(CANCELLED)-Presentation #2- August Domenico, Jr. /Applicant

***Project Location: 3000-3008 Military Road and
6400 Edgewood Drive
Town of Niagara***

***Subdivision
Tax Map # 145.07-3-17
SEQR***

August Domenico, Jr is requesting to divide his property located at 3000-3008 Military Road and 6400 Edgewood Drive. Both sites are located on one parcel and currently being used independently of each other. The property is located on the Edgewood Drive and west side of Military Road, between South Witham Drive. SEQR

Tax Map Number: 145.07-3-17

Mr. Polka made a motion to accept the withdrawal of 3000-3008 Military Road presentation.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- ()

ABSTAIN ()

MOTION CARRIES

Presentation #1- Harold & Amber Wollaber/Applicant

**Project Location: 8280 Third Avenue, NF
Town of Niagara**

**Combination of Lots
Tax Map #'s -146.13-2-117 and 146.13-2-82
SEQR**

Harold and Amber Wollaber are requesting a combination of lots which would include their property at 8280 Third Avenue and the previously unmaintained lot they had purchased behind this property. The combination of lots would create one larger lot allowing more yard space, more functionality and greater curb appeal. SEQR

Tax Map Numbers: 146.13-2-117 and 146.13-2-82

Mrs. Wollaber stated that the plan was to combine their lots and extend the existing fence. They are looking to enlarge their property and make the back lot look better. Mrs. Hathaway stated that she noticed that the lot was starting to be cleaned out and looks better.

Mr. Polka asked if there are 2 twenty-five foot lots on Fourth Avenue and if they are combined into one. Mr. Wollaber said no and that it is only one 50 foot lot. Mr. Polka stated he agreed with Mrs. Hathaway regarding the property looking better being cleaned up. He also said he did not think it would be permitted to extend a 6 foot high privacy fence all the way to Fourth Avenue. Mr. Wollaber said they are keeping it away from the end by 20 feet and Mr. Haseley said it should be 40 feet.

Mr. Haseley said that they have to maintain the frontage of both streets and have to stay back 40 feet from the road right of way. The fence could only be 4 foot up until that point. Mr. Polka stated that if the fence was chain link they could go all the way up to the property line.

Mr. Wollaber asked if the measurement would be from the center line or side of road. Mr. Haseley said all measurements are taken from the road right of way which is usually 15 feet off the pavement then 40 feet. Mrs. Wallaber asked if it would be 55 feet from the edge of road. Mr. Haseley said yes, but that would be entertained with the new survey once approved.

Mr. Polka stated that he will abstain from making any motions voting for this project since the property adjacent to the applicant's property is associated with his family members.

No further comments.

Mr. Polka made a motion for a recommendation to approve the combination of lots.

Mr. Murawski seconded the motion.

ROLL CALL:

**YES- (3) Mrs. Granto, Mr. Murawski, Mrs. Hathaway
NO- (
ABSTAIN (1) Mr. Polka**

MOTION CARRIES

Mrs. Granto made a motion for recommendation to approve the negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

**YES- (3) Mrs. Granto, Mr. Murawski, Mrs. Hathaway
NO- (
ABSTAIN (1) Mr. Polka**

MOTION CARRIES

Presentation #3- Matthew Oates, P.E./Benderson Development Company, LLC

**Project Location: 6000 Packard Road
Town of Niagara**

**Combination of Lots
Tax Map #'s 145.14-3-3 and 145.15-2-1
SEQR**

Matthew Oates, P.E, Engineering Director at Benderson Development Company, is requesting the allowance of two existing tax lots to be combined into a single tax lot at 6000 Packard Road. SEQR

Tax Map Numbers: 145.14-3-3 and 145.15-2-1

Mr. James Boglioli, stated that he is the attorney representing Benderson Development Company and will be presenting. He said they own 2 commercial lots each with their own building and they would like to combine the lots to make one lot. There are no changes to the property and no construction plan. They just want to combine the lots so it is easier to take care of.

Mr. Polka stated that he thought it was 1 building and a triangular piece. Mr. Boglioli apologized and stated it was the 1 building and a triangular piece.

No further comments.

Mr. Polka made a motion for recommendation to approve the combination of lots.

Mrs. Granto seconded the motion.

ROLL CALL:

**YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway
NO- ()
ABSTAIN ()**

MOTION CARRIES

Mr. Polka made a motion for recommendation to approve a negative declaration on the SEQR

Mr. Murawski seconded the motion.

ROLL CALL:

**YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway
NO- (0)
ABSTAIN- (0)**

MOTION CARRIES

Presentation #4- Christine Wightman, Site Acquisition Consultant from Centerline Communications, representing New Cingular Wireless PCS, LLC ("AT&T")

**Project Location: Lockport Road
Town of Niagara**

**Site Plan Review/Special Use Permit
Tax Map # 132.14-1-4
SEQR**

Christine Wightman, representative of Centerline Communications, LLC is requesting a Site Plan Review and Tower Permit for the construction of a Telecommunication Facility for New Cingular Wireless PCS, LLC ("AT&T"). The project is located on Lockport Road (Tax parcel 132.14-1-4). SEQR

Tax Map Number: 132.14-1-4

Ms. Wightman stated that A T & T is proposing to construct a 132 foot monopole on the corner of Lockport Road and Tuscarora Road. The access road will be off of Tuscarora Road and will be approximately 150 feet from Tuscarora Road. The installation will enhance the wireless communication services to the community.

No further comments.

Mr. Polka made a motion for recommendation to approve the site plan review.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- ()

ABSTAIN ()

MOTION CARRIES

After further discussion and approval by the Planning Board Mr. Polka made a motion for recommendation to approve this project for final approval.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Herman, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mr. Polka made a motion for recommendation to approve a negative declaration on the SEQR.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mr. Polka made a motion for recommendation to approve the special use permit for this project.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Presentation #5- Jeffery Palumbo, Barclay Damon LLP, represents 4660 Witmer Road, LLC

**Project Location: 4660 Witmer Road, NF
Town of Niagara**

**Site Plan Review
Tax Map # 130.11-1-4.2
SEQR**

Jeffery Palumbo, from Barclay Damon LLP, is representing 4660 Witmer Road, LLC. The applicant is requesting Site Plan approval for a construction materials manufacturing facility on the H-1 Heavy Industrial zoned vacant land at 4660 Witmer Road. The property is located on the north side of Witmer Road between Military Road and Pennsylvania Avenue. SEQR

Tax Map Number: 130.11-1-4.2

Mr. Palumbo stated that the property is located at 4660 Witmer Road. The parcel measures 12.5 acres in size. They are asking for a recommendation for site plan approval for a construction material manufacturing facility. He said the property is zoned as H-1 (Heavy Industrial). They are proposing seasonal operation which will be from April to November. They have submitted an odor analysis by Neu-velle LLC, a noise study by Encorus Group, a traffic analysis by SRF Associates and a limited scope review by Gar Associates, LLC. He said the results from all the reports show that the project will not have an impact on the environment. He said the odor analysis concluded that there would be no odor detectable off the property itself and the same with the noise level. He said for the traffic analysis they estimate that the peak hour will generate only 11 to 12 vehicle trips.

Mr. Palumbo said the property is 12.5 acres in size and maintains a natural buffer with shrubs and trees that are there now.

Mrs. Hathaway asked about preserving the landscape and Mr. Palumbo said they will maintain the natural surroundings as much as possible and they will not be removing any of the trees other than what is shown on the plans.

Mr. Haseley said on the east side of town they have a similar facility and during that facilities tenure there has never been a complaint by citizens and/or a problem with the environment.

Mr. Polka asked about a notation on the plans made about raw materials on the north end of the property. Roseanne, (last name not given), a client of Jeff Palumbo, introduced herself and stated the raw materials, as depicted on the site plan, are the different piles of natural aggregate that will be used in the manufacturing process and the location where they will stockpile them. She said there will be an open storage of limestone, gravel and sand. Mr. Polka said he was referring to what is north from there. Mr. Murawski said the location is shown on SP 1.0 on the large site plan map. Roseanne stated that location is where they are going to load the stockpile materials into each bin which goes into the manufacturing process. Mr. Polka stated he asked because he is concerned what will be stored and Roseanne stated just the materials she has stated.

Mr. Polka said there was reference made in the application packet there would be 6 or 7 employees. He asked how the restroom facilities would be handled. Roseanne stated that they will put in a tank and temporary trailer which will be maintained and removed in the winter time. Mr. Haseley stated that a private system has to be approved by the Niagara County Department of Health. He said that section was never supplied with public sewers and a tank system is necessary.

Roseanne said the entire area is fenced in except for the area the trucks will be going in and out. They will gate the area that needs to be gated and will maintain the fence.

Discussion was made for elevating this project up to a final approval. Mr. Haseley agreed.

No further discussion.

After further discussion and approval by the Planning Board Mr. Polka made a motion for recommendation to elevate the site plan review approval to a final site plan approval.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mr. Polka made a motion for recommendation for approval of the final site plan noting that the applicant indicated there would be continuous protection and fencing around the facility and a portable temporary restroom and portable water would be installed for the employees.

Mr. Murawski seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mr. Polka made a motion recommending a negative declaration on the SEQR.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- (0)

ABSTAIN- (0)

MOTION CARRIES

Mrs. Granto made a motion to approve the June 2, 2020 Planning Board Minutes.

Mr. Polka seconded the motion.

ROLL CALL:

YES- (3) Mrs. Granto, Mr. Polka, Mrs. Hathaway

NO- ()

ABSTAIN (1) Mr. Murawski

MOTION CARRIES

Mr. Murawski made a motion to adjourn the meeting at 7:42 pm.

Mrs. Granto seconded the motion.

ROLL CALL:

YES- (4) Mrs. Granto, Mr. Murawski, Mr. Polka, Mrs. Hathaway

NO- ()

ABSTAIN ()

MOTION CARRIES

NEXT MEETING: Tuesday, August 4, 2020

Respectfully submitted,

Kimberly Meisenburg
Planning Board Secretary