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**

**August 6, 2024**

**6:30 pm**

**Meeting held at the Town Hall**

**BOARD MEMBERS PRESENT: BOARD MEMBERS EXCUSED:**

Barbara Hathaway Robert McDermott/Chairman

Darlene Sullivan

John Polka

Eugene Pucci

Josephine Brevetti-Runkle (Alternate acting as voting member)

**IN ATTENDANCE:**

Gerald Hathaway Michael Rotella

Ari Goldberg Jenine Rotella

Charles Haseley

\*\*\*Please note that there was no July meeting of the Town of Niagara Planning Board as there was no business for the month.\*\*\*

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

1. **MINUTES:**

Mr. Pucci made a motion to approve the Planning Board minutes from the June 4, 2024 Planning Board Meeting. Mrs. Hathaway seconds and motion carried.

Ayes 5, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway, Mrs. Brevetti-Runkle, Mr. Polka

Noes 0,

Abstain 0,

Absent 1, Mr. McDermott

Result: Approved

**PRESENTATIONS:**

1. **Presentation #1- Mike Rotella / Wayside Nursery**

**Project Location: North Side of Lockport Rd. Sketch Plan Review**

**Tax Map#s 131.19-1-6,**

**(Self-Storage bays: indoor and outdoor storage) 131.19-1-7, Town of Niagara 131.19-1-9**

Mike Rotella of Wayside Nursery is requesting a Sketch Plan Review for 3 undeveloped lots located on the North side of Lockport Rd. between Miller Rd. and Military Rd in order to build self-storage bays. The intended use is for indoor garage storage as well as outdoor storage. **Tax Map Number: 131.19-1-6, 7, 9**

Mr. Pucci asks for clarification as to where the property is located as the packets received by the planning board members were blurry and unclear. Mr. Rotella says that he is not sure if there is an assigned address, but shows a map and points out the locations.

Mr. Pucci then asks for additional clarification as for what the business plan is for what kind of buildings what kind of storage will be there, as well as what kind of clients they are looking to serve.

Mr. Rotella explains what it will be a self-storage complex 10 X 10 and 10 X 20 garages for self-storage on the front half of the property. On the back half of the property, they are looking for a fenced in area of outdoor storage with electrical power for RV and boat parking.

Mr. Rotella states that they want to bring power to each storage pad. Mr. Pucci confirms that right now there is not power or water service to the location. Mr. Rotella agrees and states that he does not think power will be an issue, but water is a little bit of an issue. He explains that water can be tapped from across the street but that the sewer is a little bit more of an issue. He does not think that this will require a sewer connection: as he does not see any need for a bathroom. He did talk to the county about the water and it seems like the water connection for the fire hydrant is something that will be costly but is be doable.

Mr. Pucci asks what type of fencing or surrounding will be put in place to block the view from Lockport Rd. Will it be fenced and will it be secured with lighting and security? Mr. Rotella states that there will be lighting on the buildings for security purposes. He also states that they would like to talk to the town about acquiring the two lots that are owned by the town.  He mentions that they are thinking about putting a berm in the front of the property to create a buffer from the road. The current plan is to use a chain link fence with a power gate and use landscaping as a buffer along the road.

He shows an aerial view of the property.

On advice from the Planning Board’s Counsel Ari Goldberg, it was determined that Mr. Polka has a conflict and will recuse himself from all proceedings concerning this project.

Mr. Pucci asks about further clarification of which lots are owned by the town which lots are owned by the trust and which lots are owned by a private citizen.

Mr. Rotella again says that he is also looking to purchase the two lots owned by the Town of Niagara but that he would also be interested in purchasing the other lot at tax map number 131.19-1-8. If it was possible.

Mr. Pucci asks what the plan for fencing is if he cannot purchase the privately owned lot. Mr. Rotella explains that then the fence would be at the back of the privately owned property, in a line and there would still be a landscape buffer.

Mr. Pucci asks if the land has already been purchased and Mr. Rotella explains that they are in the process of buying the land with a contingency that the planning board and zoning board and town board approvals are attained.

Mr. Rotella explains that it's currently zoned residential which is difficult in that location because of the sewer issues.

Mr. Pucci asks about going in front of the Zoning Board.  Mr. Haseley explains that it would need to be rezoned into heavy industrial (from residential) due to the outdoor storage, and that all codes would need to be followed in relation to residentially zoned properties next door.  It is necessary to rezone to heavy industrial from residential if they want to use it for outdoor storage.  The property next door to the east is currently light industrial.

Mr. Rotella explains that outdoor storage is definitely something that they would really want.

Mr. Pucci asks for more information about the outdoor storage. Would there be boats and campers stored outside and not junk cars.

Mr. Rotella answers that an example of what he is looking to do is on the corner of Lockport and Walmore road.  It's a self-storage location with outdoor storage as well.  Mrs. Brevetti-Runkle clarifies that it would need to be more organized and orderly and Mr. Rotella agrees. He says that they want a professional site there, which is why they will be running power there.

Mr. Haseley asks if the purpose of running the power would be to create more of an RV park. Mr. Rotella explains that there is a market for a storage site with covered boats and RVs but that power is necessary.

Mr. Pucci asks where the driveway would be placed if those additional two lots were not purchased.  Mr. Rotella explains that it's all part of one sale and contingent on getting all three lots and so that would not be an issue.

Mr. Pucci tries to get some additional information on the layout of where the outdoor storage would be in comparison to the buildings. He's looking for more information to determine if the outdoor storage would be visible to passersby on Lockport road.

Mr. Rotella explains that because it will be set back it should not be very visible from Lockport Rd. except perhaps if you're coming from the west driving to the east you may be able to see it a small amount. They are trying to design it so that most of the self-storage bays block the view of the outdoor storage.

Mrs. Hathaway asks if there is a young forest in the back. Mr. Rotella explains that he would consider it more brush and scrub then a forest.  Mr. Haseley confirms that that is correct.  Mrs. Hathaway explains that she was thinking that if there were more trees, then the neighbors wouldn't be able to see it because she doesn't think the neighbors will like having to see the outdoor storage. Mr. Rotella explains that they will do a landscape buffer towards the front on both sides of the entrance.

Mrs. Hathaway asks exactly what would be stored back there. Mr. Rotella explains that they are going to run power and they are going to store boats and RVs back there and that they don't want it to look like a junkyard. Mrs. Hathaway comments that we already have that problem.

Mr. Rotella explains that they want the place to look good and be a little bit nicer because they are looking to charge higher rates.

Mrs. Hathaway asks if they are planning to mimic what is going on at the old Kmart location, with heated bays.  Mr. Rotella explains that that is a little bit different from what they are looking to do; he again references the location at Lockport Rd. and Walmore Rd.

Mr. Haseley asks for clarification on whether they're putting in self-storage units or whether they're putting in vehicle parking garages.  Further asking if electrical service is installed on the parking pads in how will he keep it from becoming an RV park.

Mr. Rotella explains that they will state in the lease that it's not a hangout spot it is a storage spot. Mr. Haseley explains that if it's not monitored this is a potential problem.

Mrs. Hathaway asks if there will be written guidelines for the people who are storing their items in the facility so that if they do not abide by it then they have to leave - and it would be enforceable.

Mr. Rotella explains that he does not have any plans to do that for the indoor storage. He explains that he doesn't have any sort of self-storage business now so he doesn't have as much of a plan. He explains that as long as it's not flammable and it's not going to blow up the building it would be perfectly acceptable to store there, because it doesn't really matter to him what would be stored there. Mrs. Hathaway explains that if there are written guidelines in the contract and then people break the rules it might be legally easier to evict them and end the lease.

Mr. Rotella explains that for every lease that they enter into their attorneys review it first to make sure that they are covered.

Mr. Pucci questions again that there are going to be RVs parked back there but there is not going to be someone on site 24 hours a day. Mr. Rotella says that he will have surveillance but will not have a person there. Mr. Rotella states that there wouldn't just be people hanging out there having campfires. Mr. Pucci explains that although you might think that, people may try to do just that. Which is not something that the town would be agreeable too.

Mr. Rotella again explains that he is trying to mimic the business on Lockport and Walmore roads. But Mr. Pucci explained that the Walmore Rd. location is a lot more out in the open as it's located on the corner lot. And that it will be a different situation in this location as there is not any supervision or visibility in the back lot storage.

Mrs. Hathaway states that with needing security you would almost have to have power. Mr. Rotella explains that they definitely want security lights and power.  He explains that if you have an RV with a generator and you want to keep the battery tenders going for the winter time that would be the intent for the power. But there would be conditions in the lease that people are not hanging out and having bonfires.

Mrs. Brevetti-Runkle asks if there will be a rental office at the self-storage unit where somebody would be there in case somebody wants to come in and rent one. Mr. Rotella says that no there is no need as most of the rentals are done online.

Mrs. Hathaway says that from now on any plans that come in in regards to this project need to be on wide format paper so that the board is able to read all of the specifications of the drawing. She further explains that even with a magnifying glass she was unable to read the copies that were submitted.

Mr. Rotella agrees to do so and says that he just needs to know what the board wants and he will make it happen.

Mr. Pucci also requests a rendering of what the buildings will look like in color.

Mr. Pucci asks for clarification from Mr. Haseley about what zoning variances or changes would be necessary. Mr. Goldberg explains that rezoning would be done at the Town board level. But that what the applicant is looking for from the planning board is the determination of whether the proposed use will be acceptable because as it stands now outdoor storage is not permitted in the Residential zone.

Mr. Haseley states that it's going to have to be rezoned no matter what. If they were to do typical 20 by 20 storage units: say 20 individual units; that would only need to be rezoned to LI - light industrial but because of the outdoor storage and vehicle garages that would need to be rezoned to HI - heavy industrial.  They would need to come back to the preliminary site plan review with engineering plans, storm water, PIP for any fire suppression, parking lot set up and plan, dark sky compliant lighting plan, etc.

Mr. Rotella explains that this process is thousands of dollars to have created, so he doesn't want to spend the money if this isn't something that the board would support.

Mrs. Hathaway asks if he's in a hurry because she thinks that they can't do anything until the land is purchased by Mr. Rotella. Mr. Rotella explains that the sale is contingent upon getting the rezoning because they don't want it for residential use. Mr. Haseley further clarifies that it is typical for a developer to move forward on an agent's authorization letter and for the new property owner to seek permissions on their behalf with the sale being contingent on the proposal being approved because if they get turned down there's no reason to move forward with the sale.

Mrs. Hathaway states that the engineers will have to look at it and that topography is necessary. Mr. Rotella agrees that they will design the site and create a SWPPP (storm water pollution prevention plan).  Mr. Rotella asks if a SWPPP is required.

Mr. Haseley states that if you develop over 5 acres then it would be required. The town has regulations in regards to storm water and runoff.  Mr. Rotella asks if he needs the SWPPP at the next meeting. Mr. Goldberg asks who prepared the sketch plan.  Mr. Rotella says Matt Zarbo.  Mr. Goldberg then recommends that Mr. Zarbo email a digital copy to Mr. Rotella and Mr. Rotella should forward that to the planning board for their review.  Once the sketch plan is done then have the engineer prepare a joint rezoning and site plan application because the rezoning process goes through the planning board as well for their recommendation.

Mr. Haseley clarifies that what is needed is a clear letter of intent in writing more thoroughly describing the use: including intended use, number of bays in the back and a setup sketch of the buildings and the parking storage area.

Ms. Duff then passes the water and sewer comments from Brian Beiter to Mr. Rotella. Mr. Rotella explains that he's already talked to Brian Biter, Mr. Haseley and Niagara County so he already knows what involved.  And he states that they are pretty good with all that is needed.

Mr. Pucci inquires about tabling until more information is received including what the buildings will look like, how many outdoor spaces, how many buildings, how many units in each building, etc. until the next meeting.  He explains that this is in order to allow Mr. Rotella to continue forward but the planning board still has a lot of questions regarding the project.

Mr. Pucci makes the motion to table until the next meeting: if he can have it in time for the next meeting. Mr. Rotella explains that he doesn't want to hold up the sale so they will get the information together as quickly as possible. Mr. Goldberg also reminds Mr. Rotella to include a letter of intent. Mr. Rotella states that they did include a letter of intent with the sketch plan but Mr. Haseley explains that the letter should be revised and include a lot more detail so that they have something for the record that they can commit to. Mrs. Hathaway seconds the motion all vote yes. Mr. Polka abstains.

Mrs. Hathaway continues to explain that they are looking for something that they can read and be able to see. Mr. Rotella agrees to get bigger drawings. Mr. Pucci explains that he is looking for a rendering of the building and the layout of the back storage area. Including how many units in each building and the landscape buffer.

Ayes 4, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway, Mrs. Brevetti-Runkle

Noes 0,

Absent 1, Mr. McDermott

Abstain 1, Mr. Polka

Result: Approved

**The next Planning Board meeting is scheduled** **for September 3, 2024 at 6:30 pm.**

Mr. Pucci made a motion to adjourn the meeting at 7:02 pm

Mrs. Hathaway seconds the motion and motion carried.

Ayes 5, Mr. Pucci, Mrs. Sullivan, Mrs. Hathaway, Mrs. Brevetti-Runkle, Mr. Polka

Noes 0,

Abstain 0,

Absent 1, Mr. McDermott

Result: Approved

Respectfully submitted,

Jackie Duff