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**

**October 2, 2024**

**6:30 pm**

**Meeting held at the Town Hall**

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

Robert McDermott/Chairman Darlene Sullivan

Barbara Hathaway Josephine Brevetti-Runkle (Alternate)

John Polka

Eugene Pucci

**IN ATTENDANCE:**

Corey Auerbach

Gregory Clark

Nichols Massaro

Tahir Mahmood

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

**PRESENTATIONS:**

**Presentation #1- Gregory Clark**

**Project Location: 8525 Porter Rd. Special-Use Permit**

**(Motor Vehicle Garage and**

**use of accessory lot) Tax Map# 146.13-1-10**

**Town of Niagara 146.13-1-11**

Gregory Clark of All Purpose Tint and Accessories is requesting a special-use permit to rent space to run a business that provides automotive accessory, along with home and commercial protective films. In the future, they hope to also provide vinyl printed graphics. Vehicle wraps, and outdoor storage.

**Tax Map Number: 146.13-1-10 & 146.13-1-11**

Gregory Clark of All Purpose Tints and Accessories states that they moved to the town of Niagara from Niagara Falls. They've been open for about 4 years. He states that the lease was up at the other location and that this location is a better fit for their purposes it has more room for the business. This location is perfect because he has customers in both Buffalo and Niagara Falls and this is a central location.  Mr. Clark states that their reviews are all positive except for one but that 59 out of the 60 reviews are positive.

He states that they would like to get into vinyl graphics in the future because it's more universal. Window tint can only be put on Windows but graphics you can put on floors, walls, billboards and vehicles so there's more room for expansion. The plan is to expand into buildings as well as cars. He states that the garage works well for that purpose and that their machines fit perfectly in the building.

Mr. Clark states that he wasn't sure about potentially using the property for storage for friends and family. But that he isn't at that point yet.

Mrs. Hathaway states that he should be aware that if he decides to get into storage at the property he would need a special use permit.

Mr. Clark explains that he wanted to inquire about what all would be needed for future storage, so he's appreciative of the guidance. If in the future they do decide to enter into the storage business he will come back for a special use permit.

He states that they plan to use the lot for overflow storage while parts and supplies are ordered.  He states that it's fenced in so it's more secure.

Mrs. Hathaway asks for clarification about vinyl graphics.

Mr. Clark explains that it's a type of film with graphics printed on it, that is then used to wrap on the outside of a vehicle or building.

Mr. Pucci asks if they plan on getting a registration for a repair shop.

Mr. Clark states that they would like to but they have to get this special use permit, situated first because he needs a facility number from the town.

Mr. Polka asks about doing New York state inspections at the location. Mr. Clark explains that he doesn't think that they will be doing inspections because there is a computer that needs to be purchased in order to do so and it's very expensive.

Mr. Pucci asks about testing the sound systems that they install. Mr. Clark explains that they test them in the building. He does it admit that they had one complaint at their location for noise from a sound system. But it wasn't because they were testing it, rather it was a customer that pulled into the lot blasting his music.

Mr. Pucci further explains that he has some concerns about testing of installed stereo systems. Mr. Clark explains that stereo systems are not their main focus and that of the stereo systems he does install only one out of 30 is actually a loud system.  He further states that now that they know that it is a concern a customer would be required to take the car to test it somewhere else.

Mr. Pucci asks about the cars and trailers that are currently outside of the building. Mr. Clark explains that some of those trailers are owned by the landlord.

Mr. Nichols Massaro the landlord of the building states that although they are still in business, they are no longer general contractors. They are old construction trailers from when they used to be in the construction business.

Mr. Pucci asks if they're doing business right now. Mr. Clark explains that no: they were told to not do business until they got approval from the planning board. He further explains that he's done business in other cities and never needed any sort of permits so he wasn't aware that this was an issue until the building department came to his door.

Mrs. Hathaway asks about staff. Mr. Clark explains that it's just himself at the moment, but that his brother will occasionally help out as needed.

Mr. Pucci asks about signs for the business.  Mr. Clark agrees to follow all town of Niagara codes in regards to signs.  Mrs. Hathaway suggests calling the building inspector for guidance in regards to the sign codes. Mr. Clark agrees that he will call Mr. Haseley for any questions.

Mr. Polka explains that the matter before the planning board is a special use permit for the automotive accessories, the stereo and sound systems, and the protective films. But that the storage portion of the request is really more like incidental parking. He further clarifies that we are not approving outdoor storage of any kind at this time. And that he would need to come back in the future for that to change.

Mr. McDermott asked about parking vehicles outside. Clarifying that we don't allow outdoor storage. Mr. Clark asks about storing customer cars there while waiting for parts or materials. Mr. Polka explains again that the use is actually incidental parking.

Mr. McDermott asks about the composition of the base layer of the parking area behind the gate. Mr. Clark explains that it is Stone but grass has grown up through the stone.

Mr. Massaro states that Mr. Clark is renting the back office area and has use of the gated lot. He further explains that since renting from him Mr. Clark has done a lot to clean up the area.

Mr. Pucci requests that a site plan that includes a layout for the parking lot and the incidental parking be included in the next package.  Showing a designated parking area behind the fence and gate.

Mrs. Hathaway explains that the planning board is most concerned with how the property looks.

Mr. Clark explains that he is very particular about how things look and he does plan to keep it much nicer than it has been in the past.

Mr. McDermott asks about the hours of operation. Mr. Clark states that they are open from 10:00 a.m. to 6:00 p.m. but he sometimes gets stuck there a little late and ends up working until up to 9:00 p.m. but that he doesn't work Sundays.

Mr. Polka asks Mr. Massaro why their company has not cleaned up the property. He states that because of all the construction material that is not going to be used the planning board is beating up the tenant for what was left there.

Mr. Massaro states that they do still operate as a general contractor but that they build their own products. They have property in Lewiston that they develop as residential real estate improvements.  He further explains that he agrees they could have done a better job of organizing the materials but there has been sporadic use of those materials over the last five or six years which is when the business transferred from a general contracting business to a residential real estate development company. He explains that a large portion of that property has sat underutilized for a long time now and he is excited to have attracted tenant of Greg's caliber. He also explains that that parcel is set far back behind the fence line and there is also an established brush line by the fence so it's difficult to see the construction materials from the street. But he explains that they will help the tenant to further improve the appearance of the lot.

Mr. Pucci explains that it is a goal of the town to make the town more beautiful. And it is an ongoing process so his cooperation is required and appreciated.

Mr. McDermott asks about the outside area. He questions which portion the tenant is allowed to utilize also questioning where the tenant is allowed to park. Mr. Massaro explains that Mr. Clark usually parks in front of the bay garages and acknowledges that there are some cars parked in what might be considered the middle of the lot.  Employee parking and typical customer parking for what would be considered a one day job is in front of the bay garage.

Mr. Massaro points out the location of their offices versus Mr. Clark's offices on the site plan.

Mr. McDermott asks for designated space that the tenant can utilize in the back.

Mr. Massaro further explains that there are 16 spots in front of the building that are striped.

Mr. McDermott asks if there are future plans to pave the back lot. Mr. Massaro states that it is millings and compact gravel. Mr. Massaro states that the tenant is allowed to Park employee cars in the front lot and that there are less than five or six cars that are being worked on at a time. So there is adequate space within the bay garage to park those vehicles. He agrees to bring a site plan that shows where the cars will be parked behind the gate.

Mr. McDermott closes the presentation.

Mr. Polka makes a motion to recommend approval of the special use permit subject to the following:

* That the applicant provide designated parking areas.
* That the parked vehicles will be registered vehicles and there will be no unregistered vehicles.
* The business will be providing car wraps vinyl graphics for homes and businesses but they will not be doing New York state inspections.
* No outdoor storage only parking for customers registered vehicles.
* And that they will comply with the town sign ordinances.

Mrs. Hathaway seconds

Ayes 4, Mr. Pucci, Mr. Polka, Mrs. Hathaway, Mr. McDermott

Noes 0,

Absent 1, Mrs. Sullivan

Abstain 0,

Result: Approved

**Presentation #2 – Tahir Mahmood**

**Project Location: 2160 Roberts Dr. Special-Use Permit**

**(In home occupation – Travel Agency) Tax Map# 146.17-1-42 Town of Niagara**

Tahir Mahmood of Apex International Trading LLC is requesting a special-use permit to run a business that provides travel services including vacation planning, flight and hotel bookings, travel insurance, and customized itineraries.

**Tax Map Number: 146.17-1-42**

Mr. Mahmood explains that he was in the transportation business but that business is not doing well, so he's looking to open a new business: a travel agency that will be operated from his home. He will communicate with customers both online and via phone.

Mr. Pucci asks if there is a special room dedicated to the office. Mr. Mahmood explains that he has a large finished basement with a desk and computer in it, which he will utilize.

Mr. Pucci asks if there are customers that will be coming to the house. Mr. Mahmood explains that everything will be done online and by phone. He clarifies that perhaps every once in a great while a customer might need to drop something off but that would be highly irregular because everything is done online.

Mr. Pucci asks about signage.  Mr. Mahmood explains that there will be no signs. He plans to advertise online.  Again stating that there will be no regular clients coming to the house.

Mr. McDermott asks if he has spoken to his neighbors at all about the business in the home. Mr. Mahmood explains that Chief Giuliani is his neighbor and he has been very supportive of the business.

Mr. Polka makes a motion recommending approval of the special use permit with the following conditions:

* There will be no outdoor signage advertising the business.
* There will be no significant customer traffic.
* All work will be done online
* And it will just be minor customer pickups or drop offs.

Mrs. Hathaway seconds

Ayes 4, Mr. Pucci, Mr. Polka, Mrs. Hathaway, Mr. McDermott

Noes 0,

Absent 1, Mrs. Sullivan

Abstain 0,

Result: Approved

**Presentation #3 - RAJ Rentals Corp. / Rajendrs Sharma (Tabled as per applicant request)**

**Project Location: 7100 Joanne Cir. North Minor Subdivision**

**(Proposed 3 Residential Lots) Tax Map# 131.19-2-34**

**Town of Niagara**

Rajendrs Sharma of RAJ Rentals Corp.is requesting a Minor Subdivision for 3 undeveloped lots located on the North side of Joanne Circle North between Woodland Ave and Sunnydale Dr. to build (3) single family homes.

**Tax Map Number: 131.19-2-34**

**Applicant submitted a written request to table this matter until the November meeting as he is out of town.**

1. **MINUTES:**

Mr. Pucci made a motion to approve the Planning Board minutes from the September 3, 2024 Planning Board Meeting. Mrs. Hathaway seconds and motion carried.

Ayes 3, Mr. Pucci, Mrs. Hathaway, Mr. McDermott

Noes 0,

Abstain 1, Mr. Polka

Absent 1, Mrs. Sullivan

Result: Approved

**The next Planning Board meeting is scheduled for November 5, 2024 at 6:30 pm.**

Meeting closed at 7:39 PM

Respectfully submitted,

Jackie Duff