

**CITY PLANNING COMMISSION  
Regular Session  
North Tonawanda, New York 14120  
Monday, July 12, 2021  
6:00 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY CHAIRMAN JACCARINO**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present: Chairman Jaccarino  
Commissioners Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman**

**Absent: None**

**Also Present: Assistant City Attorney Nick Robinson  
Building Inspector Cosimo Capozzi**

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**APPROVAL OF THE MINUTES OF THE MEETING JUNE 7, 2021**

**MOVED by Commissioner Loxterman SECONDED by Commissioner Carney  
That the minutes of the meeting held June 7, 2021 be approved as circulated and filed in the  
Office of the City Clerk-Treasurer.  
CARRIED.**

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**OLD BUSINESS**

**1. DLV Properties LLC  
Lou Visone  
10151 Main Street  
Clarence, NY 14031**

**Re: Site Plan review for a Mixed Use Development  
located at 624 River Road**

**Metzger Civil Engineering PLLC  
8245 Sheridan Drive  
Williamsville, NY 14221**

**MOVED by Commissioner Grinnell SECONDED by Commissioner Carney  
That the Planning Board hereby officially designates themselves as lead agency for said  
SEQR for 624 River Road and will notify other agencies involved. The Planning Board  
finds that there will be no significant environmental impact and as such declares a  
Negative Declaration on the SEQR**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino (7)**

**Nays: None (0)**

**CARRIED.**

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**MOVED by Commissioner Carney SECONDED by Commissioner Brennan  
That the Planning Board hereby approves the aforementioned site plan at 624 River Road,  
Contingent on the approval of the City Engineer in accordance with the new Water Codes.  
Per the City Attorney's Office, the drive thru for said project is approved (letter will be  
forwarded to Planning, ZBA and applicant).**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino (7)**

**Nays: None (0)**

**CARRIED.**

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**NEW BUSINESS**

**1A. & 1B.**

**333 LLC  
c/o Michael Belczak, ESQ  
1321 Harvard Avenue  
North Tonawanda, NY 14120**

**Re: Site Plan review for a proposed construction of two (2) solar facilities and associated electrical appurtenances, on a single parcel located at 489 Ward Road**

**ATLAS Renewables, LLC  
Merci Andrews  
P.O. Box 11038  
Albany, NY 12211**

**MOVED by Commissioner Carney      SECONDED by Commissioner Grinnell  
That the Planning Board hereby makes no decision on the SEQR, applicant was not present for meeting. Also the Board tabled the aforementioned site plan for 489 Ward Road for a proposed construction of two (2) solar facilities till January of 2022 (per the six month moratorium passed by Council 6/22/2021).**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)  
Nays: None      (0)  
CARRIED.**

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**2. Bogart-Sinatra Development  
7235 Campbell Blvd.  
North Tonawanda, NY 14120**

**Re: Site Plan review to erect a structure less than the required rear setback, located at 428 Zimmerman Street**

**MOVED by Commissioner Grinnell      SECONDED by Commissioner Loxterman  
That the Planning Board hereby officially designates themselves as lead agency for said SEQR for 428 Zimmerman Street and will notify other agencies involved. The Planning Board finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)  
Nays: None      (0)  
CARRIED.**

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**MOVED by Commissioner Carney      SECONDED by Commissioner Fritschi  
That the Planning Board hereby approves the revised site plan dated 6/22/2021 for 428 Zimmerman Street, contingent on approval from the City Engineer for the drainage and ZBA approval.**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)  
Nays: None      (0)  
CARRIED.**

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**3. Richard K. Sass  
770 Ohio Street  
North Tonawanda, NY 14120**

**Re: Minor Subdivision – selling property owed by 770 Ohio Street to 778 Ohio Street**

**Thomas Shults  
778 Ohio Street  
North Tonawanda, NY 14120**

**MOVED by Commissioner Grinnell      SECONDED by Commissioner Carney  
That the Planning Board hereby officially designates themselves as lead agency for said SEQR for 770 & 778 Ohio Street and will notify other agencies involved. The Planning Board finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change of #2 to Yes.**

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)  
Nays: None      (0)  
CARRIED.**



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**MOVED by Commissioner Carney      SECONDED by Commissioner Loxterman**  
That the Planning Board hereby approves the minor subdivision of 770 Ohio Street to 778 Ohio Street. The minor split is contingent upon the owners providing a new survey for each parcel to the City Clerk's Office, also owners have to file a new deed with the Niagara County Clerk's Office to be processed by the Niagara County Real Property Tax Service Department so the Tax Map Technician can map the properties.

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)**

**Nays: None      (0)**

**CARRIED.**

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**4. MCW Construction**  
391 River Road  
North Tonawanda, NY 14120

**Re: Minor Subdivision – Splitting 953 Wayne Avenue into 2 lots, one zoned residential and one zoned commercial**

**MOVED by Commissioner Loxterman      SECONDED by Commissioner Grinnell**  
That the Planning Board hereby officially designates themselves as lead agency for said SEQR for 953 Wayne Avenue and will notify other agencies involved. The Planning Board finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change of #1 to Yes, #2 to Yes and nothing for #8a and #8b.

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)**

**Nays: None      (0)**

**CARRIED.**

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**MOVED by Commissioner Fritschi      SECONDED by Commissioner Carney**  
That the Planning Board hereby approves the minor subdivision of 953 Wayne Avenue. The minor split is contingent upon the owner providing a new survey for each parcel to the City Clerk's Office, also owner has to file a new deed with the Niagara County Clerk's Office to be processed by the Niagara County Real Property Tax Service Department so the Tax Map Technician can map the properties. Also contingent on Council approval of the rezoning of the one parcel.

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)**

**Nays: None      (0)**

**CARRIED.**

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**5. Pennrose, LLC**  
Dylan Salmons  
45 Main Street Suite #539  
Brooklyn, NY 11201

**Re: Site Plan review for construction of a 4-story, mixed-use building, located at 78 Bridge Street**

**MOVED by Commissioner Loxterman      SECONDED by Commissioner Carney**  
That the Planning Board hereby makes no decision on the SEQR and tables the aforementioned site plan for 78 Bridge Street to send out to the Niagara County Planning Board for their nonbinding recommendation.

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)**

**Nays: None      (0)**

**CARRIED.**

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**6. Fortistar North Tonawanda, LLC**  
1070 Erie Avenue  
North Tonawanda, NY 14120

**Re: Site Plan review for construction of concrete slab to house shipping container structures to house computer equipment also pads and Transformers for power distribution, located at 1070 Erie Avenue**

**David Giusiana**  
625 Center Street  
Lewiston, New York 14092



**MOVED by Commissioner Carney      SECONDED by Commissioner Heilemann**  
That the Planning Board hereby makes no decision on the SEQR and tables the  
aforementioned site plan for 1070 Erie Avenue to send out to the Niagara County Planning  
Board for their nonbinding recommendation.

**Ayes: Heilemann, Brennan, Grinnell, Fritschi, Carney, Loxterman, Jaccarino      (7)**

**Nays: None      (0)**

**CARRIED.**

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**ADJOURNMENT**

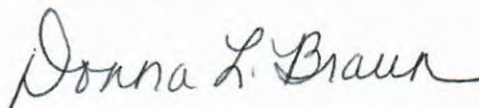
**MOVED by Commissioner Grinnell      SECONDED by Commissioner Brennan**  
That this regular session of the City Planning Commission be and hereby is adjourned.  
**CARRIED.**

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**Time of Adjournment: 7:15 P.M.**

**Next Meeting: Monday, August 2, 2021 6:00 P.M.**

**Respectfully submitted,**



**Donna L. Braun**  
**City Clerk-Treasurer**