

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday, September 28, 2022 at 6:00PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, NY.

CALL TO ORDER & ROLL CALL

BOARD MEMBERS PRESENT:

Tony Palmer
Charles MacDougall
Timothy Polka
Ryan Dallavia
Joseph Giaquinto
Joyce Williams
Shurron Cowart

STAFF PRESENT:

Kevin Forma, Director of Planning
Candace Hout, Planning Clerk

BOARD MEMBERS EXCUSED:

Ken Nossavage

ATTENDEES PRESENT:

Richard Reis
Adam Serbert
Eric Winstanley
Dr. Regis Parchue
Linda Benson
Carl Godwin
Mary Godwin
Charles Porter
Frank Burkhart
John Spanbauer
Stefan Kielbasa
David Zuppelli
Jean Kennedy
Nakisha Grant
Mrs. Grant
Jenny Janneyza

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – FOR THIS MEETING

A motion to approve the agenda was made by MR.DALLAVIA and seconded by MR. MACDOUGALL

MOTION: UNANIMOUSLY APPROVED

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC PARTICIPATION

There was no public participation

APPROVAL OF MINUTES FROM 09/28/2022

A motion to approve the meeting minutes from 09/28/2022 was made by MR. MACDOUGALL and seconded by MR.POLKA

MR PALMER stated that Planning Board Member Schurron Cowart was listed as absent and should have been listed as excused.

MRS HOUT stated that she did not know there was a difference but noted the correction.

A motion to approve the meetings was made by MR.MACDOUGALL and seconded by MR. POLKA

MOTION: UNANIMOUSLY APPROVED

PUBLIC HEARING:

1. Amalgamation: e2i Vertical, the applicants and owner of 13 parcels including the property located at 4214 and 4110Highland Avenue the amalgamation of 13 parcels 130.14-2-26, 130.14-2-24, 130.14-2-23, 130.14-2-22, 130.14-2-27, 130.14-2-27.12, 130.14-2-27.1, 130.14-2-29, 130.14-2-33, 130.14-2-32, 130.14-2-31, 130.14-2-30, 130.14-2-34, including 4214 and 4110 Highland Avenue for the purpose of the construction of a Tier 3 solar project.

CHAIRPERSON PALMER introduced the action item at 6:07pm and read the description. He then opened the floor to the public.

ADAM SERBERT

Yes. Hi, I'm Adam Serbert and with e2i.

RICHARD REIS

I'm Richard REIS with e2i.

ADAM SERBERT

Hello. And we're here to generally introduce us and a project that we are working on that is a solar project that is in really great, really great for the community and you want to walk through the details and work through the work through all the specifics on will answer that question. So who we are. So we're a local company grew up here and we're born and raised here, we are really focused on two major things we

work on. Net Zero Carbon affordable housing, so we take a lot of old apartment buildings, fix them up, do really deep renovations on them, and then rent them out with really affordable rental rates. And then

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

separately, we build solar farms in different strategic places in the state. And specifically, we're really focused here in Western New York and we're based here.

So this project that we're working on if you want to hit the button again, okay, so this is a project that is what we believe to be just like a really great location for this type of project. It is, it is a solar project that is broken up into two components.

One component is something called the remote net metering project, which is a smaller portion of the project which can take energy and allocate it towards different market buildings that we have an area some of those are in the City of Niagara Falls. And then a large part for a large part of the project is a type of project called Community Solar. Community solar basically allows us to produce solar locally, push it into the grid, and allow everybody to participate in that. And we'll get into a lot more of those details here in just a minute. So this location is on Highland Avenue. The one very important part of like, how we started with this in the City of Niagara Falls spent a lot of time putting together a really thoughtful solar code, so in that solar code, it really talks about the city being very sort of running green friendly. And there are specific areas in the city that they're, like targeted for developers for this type of stuff. So this project, specifically industrial areas in very specific purpose of Niagara Falls.

So really what these projects are zoned to this project is right next to a very strong three phase line. And so one beautiful part about Niagara Falls is that there has been historically a lot of industry here. And there is a really strong electrical infrastructure. So a lot of those projects, sometimes a lot of the costs, and what makes them prohibitive and why they don't enter communities is that maybe a substation is smaller than the meters, which are the lines that are under project, they might be very limited in size. Niagara Falls is blessed with like very, very, very good infrastructure. So the lines are very heavy and substations over built. And there's just like a great history here that makes that true. And so it makes it a really great location for it.

This project specifically is located in everything is zoned industrial, and very large part of the project is on the Chisholm Rider landfill. And so we're taking basically a piece of dirt that is probably not buildable and usable for a lot of different purposes. But it's like it fits really well for this type of project. And so they're sort of I think we're targeting some kind of areas that are making best use for, for a budget, but the site is just it's actually pretty flat. And so there isn't a lot of hills, and there's not a lot of movement that we have to do to make the project work. That's good because it is an, it is a kind of an inactive landfill. So we don't want to move a lot of things kind of do some general leveling, or dig and move things around, you really want to let it sit and stay. And then you want to work on the surface more than anything. Most importantly, just the work where it says and then we'll go through some pictures as well. But we have some pictures that will walk us through, how it sits, where it's on Highland, and then how the neighborhoods behind it are really screamed through, there's a lot of natural.

There's a lot of natural elevation changes are sort of, like a rail was a railway that sits in the middle of the project. And then everything that sits behind it, there is a lot of industrial facilities on the road side of things and then try to as much as possible, do a lot of berms and trees for anything that's going to go in there. And we'll get into a lot more of that here.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

RICH REIS

All right. So as an understanding the site is on top of an abandoned landfill or an inactive landfill. So in order to build on that we met with a DEC and they came out and tested and made sure that we have at least four feet of cover on top of the soil. So then we discerned determined that we can use the Osprey racking system so that was sitting right on top of that dirt and then use an earth anchor to anchor it down which doesn't disturb the soil, we're able to maintain the grass and everything around it. If you look at the image on the lower right hand corner, you can see how the grade goes up. So the bottom of our racking system is adjustable so we don't need to regrade the soil we can leave it as it is we don't have to disturb it and kind of just leave it alone and we can just kind of work with the actual gradient of slope up next slide. All right. So now to get into some more details this has been northern project. So we will be doing in two phases as Adam said. The first phase will be 720 Kw the second phase will be well known for two megawatts standard kilowatts Yeah. So yeah, so bigger so yes.

ADAM SERBERT

Not to interrupt you but I skipped one super important part in like you're looking at a very micro view. If you back up like two slides. I can show it on the screen real quick is to show the north and the south. So, Highland here, this is the bottom is going to be the North that he's going to talk about the top is going to be the South, and then company in the middle is Tecmotiv. So Tecmotiv, is right here off Highland. And so when he's referring to North, it will be this bottom section for into South it'll be the top section and then both of those are made up of the same type of like small project and then like a bigger project for communities

PUBLIC ATTENDEE

Is that Tecmotiv on the left hand side that building?

RICH REIS

The right hand right in the middle, so it's laying on both sides. So as we've said before, this is an industrial, all the pathways that go around the array will be constructed with a pervious stone, but it's strong enough for an emergency vehicle to drive on as well. It's constructed with the geo-web constructions just gets nailed down on top of it and then you can plant grass. That is the purpose. The total acreage for the North side and 7.5 acres, the setbacks require 30 foot will be a little bit more than 30 foot, side yards is 20 feet will be more than 20 feet, the rear yards 20 feet as well will be greater than 20 feet on both sides. So the maximum allowable for the solar panels 15 feet will be below that around 10 feet, we will have no battery storage, we'll have a seven foot tall chain link fence around it. And we'll have 12 foot locking gates or self-closing gates as well. That's all for them. But the estimated area disturbances less than an acre.

ADAM SERBERT

So just in summary, of that big project. When we look at the solar code, when we look at kind of how it was written, there's only a couple of places that really make sense for a project like this. So it has to have five plus acres of space, it has to have all the proper setbacks, it has to be zoned industrial specifically.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

And like it looks it kind of feels to us like the code was written for these kind of projects, right? It is a seven acre parcel, the one side, everything fits really well. And then and then we'll show some kind of renderings here in a little bit, but right a lot of screaming to keep the visuals within.

RICH REIS

So this image here is an existing survey. And it just shows the seven parcels that we're trying I have amalgamated. So we would like to combine those parcels, one large chunk. And then we're also asking the city if they can abandon 17th Street, small portion of it the middle to combine all such things.

ADAM SERBERT

I think at least these parcels were accumulated by Mark Cerrone Inc. and it's been in any zone for trucks for 50 plus years and not a whole lot has happened. And I think that there were there was hope that time, something coming together. And that's why they were all bought together. But it just didn't work out that way. So, so that's on the next slide.

RICH REIS

So this is just a more detailed look at the actual solar panels. You can see there's row spacing on there. That's about 15 feet in between each panel and then around the perimeter of the 20 feet to the chain link fence and then proper setbacks and then to the nearest house off along the backside it's about 150 feet to the panels.

PUBLIC ATTENDEE

Is that right? Some of the houses are closer than that.

RICH REIS

That's, so it's taken with Google Earth image and connected dimensions offset. So that's, that's for the northern lap there. It's a little bit closer on the southern lap so it'd be about 113 feet to the closest house. All right, so this is the Southern phase. This one is south of Tecmotiv that helps you kind of orient we're talking about once again this is on industrial so it's within the proper zoning, we would do the same geo-web driveway all the way around 20 foot perimeter This is an eight point two level site and it'll be all the same setbacks will be even 30 foot front yard 20 foot side They're 20 foot rear yard, less than 15 foot in height, no battery storage, seven foot chain link fence and this area of disturbance will be under an acre as well. For this the size of it, it's very similar to the other one in the northern, it's 1.42 megawatts for the large system, and then 700 or 698 kilowatts for the smart portion.

ADAM SERBERT

And so we think if you take a look at your house to your property line that you hit, kind of railroad tracks that you get this property line, and there's a 50 foot setback, on top of that where starts kind of like towards the back of the property because the right context.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

I'm looking at, I'm trying to figure out what our house is, in this scenario here. Because we're right next to Tecmotiv, so we're on there, there's Tecmotiv,

RICH REIS

You're the house right there, the purple line goes all the way around it. So the to the rear of the house you're looking at, you said you're next to Tecmotiv.

ADAM SERBERT

We've been wanting to talk to you guys. Good to meet you.

RICH REIS

So 75 feet from the front of the house to the array, 35 along the back, and then another 55 to the side,

ADAM SERBERT

And so on. So like I said, I think what our goal is, anything that we do is like we're never the guys that are gonna come in. And so we're definitely guys that are going to come in and we're going to push and bully and like that is we want our goal is to come in, like we live in this community number one. And if we're doing this in a different community, our goal is to come in and really be kind of like a compliment. And we want to provide good things. And we want to work with folks to do things that are good for everybody. So we're trying to connect because we wanted to try to figure out how to do that separately from, from all this.

PUBLIC ATTENDEE

Question. So, so I just want to quickly when you say you live in the community like are you in like DeVeaux or like Lewiston, how community are you?

ADAM SERBERT

So the three of us live in Lewiston, okay, we grew up living on Maple and McKoon for a good chunk of time, they spent more time growing up in Niagara Falls and so, so I generally say that to say when we go through this, we'll talk a little bit more about kind of like the benefits and why this is good, and why it's not one sided and all of that stuff.. So we have.

PUBLIC ATTENDEE

So it this your first project?

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

ADAM SERBERT

Nope. Nope. Nope. So we have. So in general, we have 600 apartment units today that we've that we've done renovated and that we're working our way through doing much more of that stuff as well. And then in addition, we have either solar projects are those properties. But we have some of that current projects today we have projects going on in Derby, we have projects going on in Hamburg, we have a project that's going on in New York right now. And then we're also doing some stuff and kind of like the early innings with the Town of Niagara as well.

PUBLIC ATTENDEE

So you're only nine months old. That's why I asked.

ADAM SERBERT

That's why we have babies face.

PUBLIC ATTENDEE

The registry says that you incorporated December of 2021. So that only makes you nine months old.

ADAM SERBERT

Yes, it was that just the District Development Company rebranded it. He's got a new LLC. That's it

PUBLIC ATTENDEE

My question is. My concern is, if you gather all these properties together, what's the unintended consequence?

You could gather and them and then sell the property because you don't have the money to build this solar project and then we're in different problems.

Kind of glossed over who you were really fast. But you didn't tell us the facts behind this project. Is this project fully funded?

ADAM SERBERT

Yeah, yeah. Yeah. So Right. So there's two components of projects, one of them are nearing pieces. And so basically, when we do when we buy buildings, we renovate them, and we take a large chunk of like the renovation funds, we apply them towards solar department projects. And so there's a very large chunk of

the funding for this project that comes through that. The rest of it comes through Community Solar, and Community Solar represents really working with, we're gonna talk about this in a minute. And it really has a wonderful point. I want to come back to your point, but I'm gonna walk through the deck because

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

we're gonna answer a lot of questions. And then I want to answer your question if I didn't answer it, but I don't have like the pace alright. Is that ok? We'll come back to the answer.

RICH REIS

So, back to the southern project, there are 13 parcels right now they're all vacant, most of which sit on top of the Chisholm and Rider landfill sites. So we're proposing to combine all of those. And then there's also a 10 foot wide alleyway of another street, we're hoping to have that abandoned.

PUBLIC ATTENDEE

I have a question, does the Chisholm and Rider building remain intact?

ADAM SERBERT

That building stays it's, it's just it's just a vacant land. That's there's a photo it's there's we are not taking buildings of any type.

RICH REIS

Next slide. So here's another more detailed view of the solar array. You can see the residential homes on the western side and the multifamily home in the middle of next Tecmotive, same, same deal as before 15 foot aisles 20 foot around the perimeter for emergency vehicles and one single track.

Alright, so these four images that you see here were taken within the past week, the top left, you can see that's just the train tracks. So there's a set of train tracks that run between our project and Crescent Drive.

ADAM SERBERT

Crescent Drive here. Project either north or south along the fence.

RICH REIS

Right. So the so the southern project is about 20 feet higher than the road down below on Crescent Street for the southern project. So the train over railroad tracks are higher, which would help provide some screening, there's trees all the way along there. And then on the other side of the train tracks, there's a bunch of trees as well. So tons of great natural screening to help protect any views. And then you look at the bottom two images. Those are the one on the left was an image that was taken from Crescent Drive. And then on the right, we did rendering just to kind of show that you're, you're not can see anything, you know, it doesn't really give you much of a view. But you can tell that you can't see the solar panels through the wooded area. That's the point, right?

PUBLIC ATTENDEE

So are those walls that you going to build up there?

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

ADAM SERBERT

They're there today. And so, so the view on the view on the right hand side is just: so he has modeling software that he plugs the things into so we can kind of show what the future is going to look like. And those are just the buildings on the left on the right that you see on the picture on the left, that you see kind of the gradient out and railroad tracks and then it's a 50 foot setback on top of that. And that's where this stuff goes so if you're in the neighborhood behind me looking up you're not going to see a lot.

KEVIN FORMA

Those aren't walls right there. They're a rendition of the homes that are there. It's just a boxy addition. It's a boxy home.

PUBLIC ATTENDEE

What about the trees? You have to cut them down or something?

RICH REIS

No. So the ones along the train tracks will stay

ADAM SERBERT

We won't have to touch any of that stuff, and we'll get it and so will you put down cell block, no more blacktop that is going to be it's mostly there really aren't many trees on there today. It's pretty, pretty empty. And then the other life does have some stuff in there that we'll have to clean out. It's not because not a lot. We'll talk about trees here in a little bit. Just kind of like the benefit and when you put this stuff in what it means tree wise and kind of carbon reduction wise, but there's some stuff in there that looks better but it's not like dense forest or anything. A lot of it is just ash and other stuff in there to.

RICH REIS

All right, so here's the top left is one more picture looking towards the south. It's on the corner of Maple and Hudson. It's very wooded, you can't see anything through there. So that's, that's one more great positive for this site. It's just so well hidden. And then the lower left hand corner is the train tracks again, but this is looking towards the north of it. So you can see the gray gets a little bit higher there. The residential neighborhood on Crescent drive starts to get a little bit higher and the train tracks are actually level with the site. But once again, tons of great natural screening, low visibility.

PUBLIC ATTENDEE

The natural street do you own natural screening?

RICH REIS

Didn't know it's owned by the railroad.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

Because you can't count on that. They sprayed them once before and it killed everything.

RICH REIS

We won't be to have any control over their land. But all the trees that go around our property, we would be would be maintaining that buffer as best we can. Next slide. All right, so these are two more renditions. So if you look at the right side that's existing, and you look at the left side, that's the purpose. So it gives you kind of an idea of what you'll be looking at as you're driving down Highland Avenue. And the top right image, if you want a little bit further to the right, TecMotive, you can see your house kind of peeking through in the back, as all the trees are going around it.

PUBLIC ATTENDEE

Those are gonna stay right. All the trees around our house?

RICH REIS

So all the trees that are on your property would stay and then anything up into that project or up until your property line would have to get taken down. And then we construct the berm all the way around it and plant new trees. So berm is just like a mound of dirt, just to raise it up higher. And then we can landscape put mulch on it and plant trees just to make it higher.

ADAM SERBERT

So you can see grass and trees. And you don't see anything else. And so, so we did spend a little bit of time. This isn't code or anything we spent time saying like, how do we take and create like a good visual appearance, that's our time to do it. So we'll push up dirt, we'll plant trees surround it.

PUBLIC ATTENDEE

What about drainage, drainage, you don't want to plug your house up.

RICH REIS

So yeah, we're legally required to do grading and drainage plans. So once we get everything into engineering, we'll go through that all the time as civil engineer, they'll account for that with our system here and the Osprey system, we don't really affect the dirt. So we're going to maintain all the national grades and gradients and drains at the same place.

ADAM SERBERT

But in summary, though, make sure that the water goes where it needs to go on, it's not gonna mess up your stuff.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

RICH REIS

We're legally required to or we're, we're legally bound that we're not allowed to do that so.

ADAM SERBERT

Probably morally obligated.

RICH REIS

Yes. And morally obligated too. Yes. So here's just some images of the surrounding area. If you look at the top left, this is the, the factory that's right next to the southern project. On the top right, that is just kind of a view from the Monteagle Apartment building driveway and looking towards Highland Avenue you can see some of the industrial factories in the background. And same thing, the lower two images are taken from or similar to your driveway area. So that's changed.

ADAM SERBERT

And so the goal on that, and I think we'll we're going to touch on this. A bit. So. So like community benefits, right? So there's like this, this goes in, and you just want to, I think just the way that solar farms work in general is important. In general, and then and then we have an slider to like a bunch of like, frequently asked questions that are like want to make sure everyone's like they're on the same page.

So number one, a large portion of this project is, is dedicated to community solar. So what that means is we went and we did, we did meet with the Mayor, and we talked through a lot of research projects. Generally, like support was good, they were strong. But the one thing was the project is happening in Niagara Falls. And because it's going to benefit Niagara Falls that is all there is to it. And so it was kind of like my take-away from that is that we're going to make sure that we're doing good things for the city. There's a kind of an energy component to this. So a large portion of the project is dedicated to Niagara, Niagara Falls for residents to the solar project. So this just means in general, that we will open it up first to anybody that in the city that wants to participate. So flyers, and essentially, we have set up front, we'll make one of those and put it up there. And if anybody's interested, basically what happened to us get the discount is power, you don't have to do anything, there's nothing that you have to do different. So

everything so the way that this thing works is energy is produced on the farm, it works its way into it works its way into a little meter that works its way into a feeder, which is the which is basically the power line. And then it goes left and it goes right. And then it goes with anything that's generated goes to things and the people that are against the things that are around it. And so it would go to the refrigerator, it'll go to your furnace. So go to your lights, it'll go to Tecmotive when they're firing up that big loud motor like whatever, whatever is going on, that is worth it, right. And so it's like number one most important thing to understand is that all the energy that's produced is, is clean energy number one, and then goes to community. Like by default work goes first.

Second, the way the community solar is in New York State has done a pretty good job with this. And I'll say that New York State isn't always the most progressive place on some things, they have done a really good job with community solar. So, I think it's like, if you want, if you don't want to put solar on the roof,

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

if you don't have a place to put in your backyard, but you want to participate in net zero carbon things, you can do that by simply signing up and then helping the helping through these things. So you sign up. And national, if you're a national grid, for your provider today, nothing changes outside of like whatever part of the allocation of the production that goes to you, you get placed a 10% discount. And so your bill goes down, you get a great credit. On the bottom of it, it says you're doing a great job, thanks for contributing, and like there's less, less carbon in the world because this and you pay less money, and you have to do community solar, and it's a general program here and State National Defense put together and there's other utility providers that are doing it for different regions.

PUBLIC ATTENDEE

So you work closely with National Grid?

ADAM SERBERT

So, so we so National Grid works with anyone that wants these types of projects. And then they have a program where we basically say, we are going to do community solar program, we work with you to help subscribe it. So whoever in the city is interested in signing up, simply provide the name, address, probably like an account number for your electric bill. And then they know how to handle this. And then separately, we sign up for National Grid just like you do. And then the energy that we produce, take it up like a little reading and distributed. So we were like, we are a customer of national grid just like you are, we just returned here at least. So we don't have to put this on your roof, we also put this in your backyard, and you can put it anywhere that you participate in.

PUBLIC ATTENDEE

So you say 10%?

ADAM SERBERT

Of your allocated portion. So like so like this will this will provide enough power for like 600 or something like that throughout the year. And you can break that up and say like, we're going to take portions of that we're going to get more people and that portion of get is, is going to discount. Right? And so you could say, where's my money? It's like, read on the news and we talk to people every day, and we're all feeling customer, it's nice to see you go down every once in a while. And this is one of those things.

PUBLIC ATTENDEE

Another quick question. You're talking about solar panels, they need to go on our roof?

ADAM SERBERT

No, no, no, this makes it so you don't have to do that. That makes it so we do it in an industrial area.

PUBLIC ATTENDEE

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

Where would they be if they're not going to be on the roof?

ADAM SERBERT

Just because you can participate in the solar project. You don't have to put it on your roof. You just sign a piece of paper, we do the work. Does that make sense? Like you're, we produce power in one place in other distributed through a community solar program, it just makes it so you don't have to install something on your roof, if you don't want to or sometimes you just can't like sometimes only doesn't support it, or sometimes backyard is big enough.

PUBLIC ATTENDEE

So if we do having to put the panels on the roof would it be a bigger percentage that we would benefit from rather than just 10 percent?

ADAM SERBERT

Well, you can have that too. You can have both. So this isn't like exclusion from anything else. But if you want to put solar on your roof. I mean, that's, that's awesome. I'm a big supporter.

PUBLIC ATTENDEE

But what about power failure?

ADAM SERBERT

Yeah. So, so I guess I guess it's kind of so tentative, so the way that like, these systems can be really beneficial for the city. And we'd love to talk about this, it's just not currently, it's not currently a thing, it's gonna, it's gonna work its way in over time, you have, you can do battery storage. And when you do battery storage in front of something like this, it acts as a disaster recovery source. And so power is being produced over at wherever it's coming from, and that source dies. If you have battery storage available, then that can click on as a part of the dr process and that does actually feed the community when everyone else is so it gives you power when it isn't there. But that's in addition to this project. And that would be like a future conversation. I'd love to have it if everyone's if everyone's willing to have it but for today solar code that's that existed supports the production component and then at some point we can absolutely talk about that if that's ever going to be like a thing in the future. Love to have it.

PUBLIC ATTENDEE

But is the ten percent actually guaranteed?

ADAM SERBERT

It's so it's, it's whatever. Right so this like solar still works is that wintertime produces a little bit springtime produces more summertime produces the most starts to drop back down again. Right. And so it does a lot of production at one point here. And then that production basically gets allocated And so

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

whatever it is, you know, is basically, for your reporting portion of that, that's always going to be at a at a ten percent discount. So it won't like give your bill ten percent, it'd be like a portion of that, that we'll get at that point. And then that portion is just cheaper. And you'll see it directly as a discount.

PUBLIC ATTENDEE

I mean, technically Niagara Falls we have the world's nation's largest hydroelectric power, which is cleaner than this is silicon, to make these panels, takes an awful lot of energy that nobody accounts for. So careful when you start throwing things out there that this is going to help you so much.

ADAM SERBERT

It's like, I agree with that. And like, I am so far from an extremist on any of these things. Like I'm not I'm not saying that solar is the answer. And that is the answer. I'm not saying that people should stop looking, we're going to be able to compromise. And it's like the solar plan is amazing. That is one that is why we're excited about this here that this is a like this, the brand, you know, it's like this is like if it's a green thing. The other things that are going to happen over time. And we are in the very, very early innings of big energy change over the next 10 to 12 years. And this is very specific, and but they just passed, they just passed a new kind of like a new tax bill maybe six or eight weeks ago, and it will fund a lot more solar, a lot more wind, a lot more battery, a lot more structure change over time. And we're going to see a lot of this in a lot of places. So it's like some, it's doing it early to get out of it, or it's I think I think a lot of this is going to change, it's going to be one you know, it's gonna be a blend, it's going to be a really good mix

PUBLIC ATTENDEE

You're putting this in an environmental, economic development area. How is this help, because you're not creating any jobs? Any construction jobs.

I'm not happy with those guys, because they have pretty fowl mouths and I had to take my grandkids out my backyard because they are so loud. But once they're done coming to close the ground, there are no new jobs.

ADAM SERBERT

Yeah, I mean, there's, there's so I think one way to look at it is we are a local business, we employ lots of people, we're going to employ a lot more people including things like this, like our mission, like we want, we want to do a lot of real estate in New York, we want to build a lot of energy, like in the state of the places as well. And it's all about how do you get a business? And how do you help grow businesses provide jobs, like we provide jobs and provide a lot of them, and we're gonna provide, we want to continue to provide a lot of them.

So I think it's I think that's the way to look at it. A part of this is going to be there's going to be continued maintenance over time. And so it does employ folks to help cut grass and keep the things moving and do the repairs.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

A lot of minimum wage jobs. You are consuming an awful lot of land, you can't create land. So when you put these things on the land, you're ruining all that land, it's very, it better be a real benefit. So far you haven't....

ADAM SERBERT

So a very large piece of that is inactive landfill is the only

PUBLIC ATTENDEE

The only advantage I see for far is that once it's up its quiet so it's not another tecmotive

ADAM SERBERT

And I think and I think I think it's like its last point in what let me let me work this list for a second and I got one point because again, the last point is that point. And so as we work through this, it's like clean energy reduces our reliance on kind of like dirty energy, I guess. And again, I'm not a network at all, but it's like the hybrid wins. And it's like how do we get more production that complements, complements.

Number three is like projects here increases local power quality, so you get power that's generated here that goes left to right. And it is better than it coming from somewhere else and then if it having brownouts or waiting for or whatever the things are, that happened global production is good thing. Renewable, energy generation in general. So this is just really about keeping the environment cleaner and safe to do the real reasons why I'm there

PUBLIC ATTENDEE

And be careful we don't worry when you say that. I realized that outside people to come in to use our land to make money.

ADAM SERBERT

Sincerely, we care we want to be here we want to make this happen. So we do create jobs by renewable wind constructions, snow removal, landscapers, solar installation plus all the stuff that this helps us continue to go to do in this area. And then like this is the one point that I think is it's kind of a good one and it's, it's, this is I think we're cheap point in this and I'm just gonna steal it from Rich but it's solar is the quietest neighbor you are ever going to have. And so like this if you have like industrial land, it is zone to build the other things that we put on the list. So it could be, it could be something with a big smokestack, it could be something with a really loud engine, it could be a lot of different things this quiet, I mean, it's like once it goes in these things going pretty quick, this isn't a two year project, this is a couple of months of construction, we'll do two phases like we'll do some of the smaller ones first, and we'll do the big ones. And it's just some timing around when one develops important. But at the end of the day, it is the quietest thing that you will ever have. And it's a very low impact.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

I have a question, as far as the amount of energy that is going to generate around the area that we're living. And my brother looked up some information that said it will burn the wings of the birds that are near it. So is this producing enough energy to burn the wings of birds? How much is it? And then you said something of about fire too.

PUBLIC ATTENDEE

If they catch fire they can release toxic chemicals.

ADAM SERBERT

So this is our myth buster slide, when we're going into it, and we're gonna talk about all those things. Because there's, there's like the news, and there's what it is and what it isn't, Right? And so let us get to that.

PUBLIC ATTENDEE

Okay. One other question. In the area that we live, because there are no trees, where you're going to be putting the panels or solar panels, there's when it snows and there's a heavy snow, we're stuck. And I mean, sometimes we're stuck for days back there. And so with the panels because it just blows in the snow just blows across, it buries our road, it really blows up against our house. And if you flatten it, it's gonna be even worse. So what do you prepare for that, and we need something that block, the wind from blowing the snow. And actually burying us.

ADAM SERBERT

One of the big pros we got to provide, we got to provide counseling for emergency action. So like, I guess, we'll have to do something

PUBLIC ATTENDEE

Have you performed environmental studies?

ADAM SERBERT

And so we've done, we went deep, and we made sure that yes, we did phase one and phase two, and then we've done lots of discussions.

RICH REIS

The DEC was actually happy that we're going to be putting this development on there. Because right now, it's not currently being properly maintained. When we have a solar project contractors will have to do the maintenance will have to do it in conjunction with the DEC. So we want to do further guidance on what

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

we maintain and make sure a safe work environment for workers and surrounding communities. It was all positive

ADAM SERBERT

Almost, we're almost done. And we'll get through this. But we want to make sure that everybody gets it, because it's important. Alright, so this we're talking about, this is just me. So we're going to do this again.

UNKNOWN SPEAKER

So is that subscription? What do the taxpayers pay for the subscription?

ADAM SERBERT

Nothing. There's no taxpayer burden at the end of this. You sign up and you get, get you pay less. Like literally the only thing. So once it's the community sort of thing. So you sign up, we say this amount of production for the community solar, or other systems as part of the fees, or we take a list and see who wants it everyone's name or number there, basically, National Grid account number, we go and register. That portion basically just gets allocated to all the folks, and a, and it just results in a discount. And so you get a sort of it's basically a 10% discount on the proportion that is allocated to you as a part of Project. It costs you nothing you do it and it's, again, like I said, New York State not typically super progressive on some things that you could something's well, some things are a little bit about this great. I mean, it's like it's like they have been very, very pro things and like they just advise it really well. They built really good programs, utility providers, and they're trying to get it into as many communities specifically kind of like disadvantaged communities as possible. And that's one of the major pushes on federal something, a little bit of disadvantaged communities by some designation. Easier to build than anything ever before because this is trying to like allow people to participate in a bigger way.

I know it sounds too good I mean what's the catch it's gonna be taxes somehow. We're gonna play through something that's already happening.

PUBLIC ATTENDEE

Contract, that's what contract I think about you so when if you sign up. Is that a contract that you have to have for a certain amount of time? Or can you stop anytime that you feel comfortable? Wait a minute, this isn't working for me. So I can get out of this.

RICH REIS

I signed up two years ago, and when a woman signed my up she came to my house, she said, you can cancel at any time. So I believe you can cancel.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

ADAM SERBERT

And really cancel and you're not paying. So yeah. So I mean, at the end of it, you can absolutely opt out of it. You can opt out at any time you want, and next month you won't be in it. But really, I don't think you are going to want to do that.

PUBLIC ATTENDEE

Should we be concerned about the amount of EMF radiation it emits?

RICH REIS

The answer is no, no, no, there's no concern with it it's, if you're within 50 feet of the array, be like the same pocket same EMFs as air pods. So it's very minimal. But like all electronic devices, that's just a part of the production as well.

ADAM SERBERT

But it's, it's low, it was on the myth buster list. So this is this is just this is like this is like the why it's so. So this project will be the same as 9,000 or 9,641,600 miles driven by an average gas powered vehicle, equal to 381,000 gallons of diesel consumed. It's equal to 756 homes electricity use for one year. And it's equal to like, almost 4600 acres of new forest every single year. So you talked about like, like, the goal is carbon reduction across the board. So seen it's in the mail I mean, it's what you hear in the news, you see it in your Google feed. It reduces the amount of its equivalent to the same as, a forest carbon reduction, because we're not burning fossil fuels, right?

Okay, so alright, so will panels cause glare? No, they have anticlerical coating. And so like there's a real specific things around airports and things and they have to meet a certain level of standard and they have a glare coating. The second one, we hear this all the time, like answers, because it likes so if you're close to it, you will hear in 65 decibels of fabrics light which the same as like a kitchen refrigerator is. So take Tecmotiv fire that bad boy up very, very small fraction, right? Very, very quiet. Not at all. I am just making difference between noises being very, very quiet.

Do the inverters leak oils or chemicals? Answer is no, their transformerless and oil is used inside of them. So there's nothing to worry about what happens to the panels in 25 years and so I have a life of like 40 or 45 years or something like that.

So there's a couple of things. One, there's a big decommissioning plan that is a part of the solar code number one that we have to bottom that we have to manage that is if we're not around, someone else will be paid to do it. But it handles anything that's recycling, kind of like the recycling component. Niagara County has a very specific recycling law that we have to follow to make sure that we have the person that's going to do it in place, and that is properly funded. But we're gonna go a long run we're not going anywhere. But in case like one of us or all of us get hit by a bus. I mean, if there's a plan that kind of covers how decommissioning happens, and so we want to end up with something that's sitting in your backyard without planning to clean it up so things we have to do, we have to.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

Do solar farms kill birds? The answer is no. No. Like, if you think wind turbines I think that might actually do it. Not a lot but a little bit. Solar Panels are different.

RICH REIS

So you've heard other precedence that's a different type of solar, maybe we don't do that here though. That was done in desert. He had big gears to a big substation. And that's, you know, that's what was going to knock the bird. So that's where that came from. But these types of solar panels do not

UNKNOWN SPEAKER: So do they produce actual heat around it?

RICH REIS

No I mean, it's like we said before they're not designed to put off heat.

ADAM SERBERT

Do you need to cut down trees? We said this already? Won't this solar farm be an eyesore? And I think I hope it's, I hope it's evident that like, we put thought into this, like we went to work. Like, we went from the different streets with better grades, like plant berms, trees, snow plowing, and the things that are a part of this, like, we put a lot of effort and thought into making sure that like, like on the industrial side, I think it's it like we do have, we do have so we do have it in the plans though and so there, so there is trees, there are three separate riding one, a one that for requirement for the code but outside of that a lot of time, energy and effort into hopefully doing the perfect for everybody.

UNKNOWN SPEAKER

One quick question. You guys run the solar farm on Lockport Rd.

ADAM SERBERT

No

UNKNOWN SPEAKER

Because aesthetically it looks similar. There's a fence around it. Is that what's going to be there?

ADAM SERBERT

Yeah, I mean, it'll be it'll be sort of from, from the back of it. While I guess kind of like the raised area, and tree line, the fence on the front of it, we will have fishers we will have some level of fence so that here's what I'll

RICH REIS

We'll do a pitch for that center for the tree stakes.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

UNKNOWN SPEAKER

It's from Lockport Road doesn't look bad.

ADAM SERBERT

So just our goals for this project. Very good. Just to summarize that one, thoughtfully selected and implemented, we're not doing these everywhere. We thought this was a good location, but I had a real impact. I think it has a lot of good community benefits. So it wasn't, it wasn't by accident, a lot of time, energy and effort to clean energy for local communities, the city of Niagara Falls and everybody else's. It sounds like it's on brand, we're gonna wait for the cities moving to where they're going. And I think it's a very progressive and it's, it's easy to navigate. And that's not always nice work on all that new life from a landfill. I think that that's like one of the biggest pieces of us, it's like it's a small portion. We have. So the very large piece of the south

RICH REIS

The south side. That's two thirds of the southern side.

PUBLIC ATTENDEE

Because in the old days that was a trailer court. You wouldn't be able to build anything there. You wouldn't be able to build anything residential in that area.

ADAM SERBERT

And that's what the DEC was, like, they gave us really big thumbs up. So we did, we did lots of core samples, we did lots of digs lots of moving. And they were like, No, this is actually not really, this is not as bad as we thought it was going to be. We're excited about the project being here and with us doing it. But they were very excited about the use of this. And it's like, they're expecting something from they're point of view for that's for the best use. And then introduction, housing, in kind of like hopefully the city of Niagara Falls would love us to deliver more projects here, and would love to want to dive in a little bit deeper to kind of figure that stuff out. And since support local communities do so I mean, it's like, gotta protect your own first so I get it but it's like we're like all in this together. Like it's like our goal is to do as much good as we can and continue to do these types of projects and like with your support, I think we got a lot of partners. So now if there aren't any questions, or if there aren't any things today.

PUBLIC ATTENDEE

So if there is a short and catch a fire or something like that, it said that they produce toxic chemicals. So what is the possibility of that?

ADAM SERBERT

So these panels do not contain toxic material. And the possibility of fires is pretty low, I mean, some of those. So I think that that's the thing that we got to think about and we got to worry about but outside of

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

that, I mean, there aren't mechanical moving pieces, and it's low, it's kind of like low energy per panel. And inverters are up the road and the inverters connect to kind of like a high voltage street. So it's really distributing that kind of works its way through at a really low, really low level.

RICH REIS

We'll also coach the fire department as well on how to shut the project down in case there wasn't. So they'll all be fully trained on how to get in an access it, shut everything down.

PUBLIC ATTENDEE

Are you going to have to water to access to just in case there is? Because lightning can cause a fire. So and then, if lightning causes a fire and the toxic fumes, you know, how are we going to if we're going to be going fast, you need to have some kind of water access to put it out.

RICH REIS

There's hydrants I think it was James, no not on James on right. Right there,

PUBLIC ATTENDEE

Well, we got a fire hydrant right in our yard, but I'm saying if you because you didn't have a large area with the, and you need more access to water besides ours.

ADAM SERBERT

So what will happen next assuming we get your blessing then it turns into really more detailed construction drawings and goes to the engineering department and I think it's like kind of to make sure that we put together this nebulous, safe way and then everything is buttoned up and those thoughtful things are taken care of. So I think we're still stuck before that but we'd love to share that with one we get to that spot good observation point in fact

PUBLIC ATTENDEE

Is Tecmotiv going to stay?

ADAM SERBERT

They're separate from all of this but as far as I'm know they are

PUBLIC ATTENDEE

And you said how close is the closest to our house 1517 James Avenue? Did you say 30 feet at some point?

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

RICH REIS

So along the rear will be about 30 feet or 35 feet and then 75 feet around.

PUBLIC ATTENDEE

That's too close. 30 feet.

RICH REIS

So your house kind of sitting right on the property line. It backs up, so we can shift those panels we do have some wiggle room over there we can shift those panels.

PUBLIC ATTENDEE

That's going to affect our quality of life

ADAM SERBERT

Just remember that we are like in we're in and that's a little bit tricky because we're putting off the supplements I love to connect with you guys. Let's talk about it outside of the setting and if we want to do any good thing we're gonna figure out what makes you happy. So let's, let's look at my card and get out of here go we'll connect and talk to each other.

PUBLIC ATTENDEE

If we say okay and you bundle all of these properties together what prevents you from selling to an asphalt plant?

ADAM SERBERT

So I think, so what I can say for sure it's not the intention. We'd be very happy to our develop with you guys, we put like a contingency in there that says like its good because of the project or something but we but I'm gonna go back to the point that I was going to bring that I started put jobs but the point that was gonna make out and it's gonna be happy to do all that to make sure that it is build and if we don't do it could be a big factory it could be something totally different and I'm going to coin this thing again. Quietest neighbor you're ever going to have

PUBLIC ATTENDEE

It's the unintentional consequence. You can't find your presence on the website so I don't know enough about the company. Right now a little bit of smoke and mirrors.

ADAM SERBERT

If you want to grab a coffee and you get to know me a little bit better

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

Can we get a copy of that?

ADAM SERBERT

Isn't this on some website or something?

KEVIN FORMA

We will make sure that it is. We can email it.

CHAIRMAN PALMER

Because as far as them with the property that this does go through. It goes through under the expectations that you. This is going to be a solar project. So if anything else goes in there, that would have to come before the board would be approved for anything else that that wants to go in there. So right now, what we're what we're going to be looking at is what we'll be discussing, because we won't make that determination tonight. What we will be discussing that our next meeting is whether or not to make the recommendation, I believe, to city council regarding this project, and then it will move forward with site plan with a site plan review that will come before us, for us to look over and approve. And again, it boils down to specifically that this is for a solar project, so they can't sell it, they can amalgamate the property, and then sell it to somebody else. And then they put something else in there without that coming before the board to get approval for that. Does that does that help? Does that help as far as them amalgamating all the properties?

PUBLIC ATTENDEE

But that's just an example. We'd be really screaming. As I said, it's an unintended consequence, because in two pieces. What do you do with it? They keep them to small business, small business, now you have a big plot of land now money talks. And that's, that's my concern.

CHAIRMAN PALMER

Look, that's why I said,

PUBLIC ATTENDEE

I'm not a solar I'm not a solar panel, Fireman advocate because they think it's a waste of land. But on the other hand, it is a quiet project and if it moves there is some benefit. I was worried about what happens.

CHAIRMAN PALMER

Well, that's why I said they even if they put the solar project plant panels in, they can't turn around and sell it say like to an asphalt companies to come in to do something else. Without that happened to come before the board. Because it's a whole different project. So that's what I was saying. Does that answer

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

your question about them amalgamating all the properties? And then backing out of the project? Because they sold it? Different profit or whatever?

PUBLIC ATTENDEE

Okay, I understand that. That's one of my main concerns.

JOHN SPANBAUER

Sure, can I say something here? I thank the residents that are here. My name is John Spanbauer and city council. I think it's very important that you get a copy of the Solar ordinances of the city as put in place that went through the planning board that went through the city council, a lot of your questions will be answered in the article. It's a lengthy document it talks about decommissioning just like the Chairman just talked about. It talks about property upkeep and possible fire code that talks about everything that some of these questions came up. So if you have it on your website, solar energy.

KEVIN FORMA

If we don't, I can make sure that we get it.

JOHN SPANBAUER

I think if you put it on your website the resident code, it will answer a lot of your questions because this company and solar developers are held to a high standard right now when it comes to Niagara Falls.

PUBLIC ATTENDEE

The company is only nine months old that's not much of a track record.

JOHN SPANBAUER

I don't care how old they are, they have to follow the orders. If you read it you'll find out it's got a lot of information in it.

PUBLIC ATTENDEE

There only nine months old. Okay. So that doesn't give me and their registered of Spokane, Washington. That raises concerns about whether I can count on the people and their word

UNKNOWN SPEAKER

I think the councilman's point is that code is written, all the things that they have to do in order to get this approved. They transcend who owns it and that runs with the property. So they get it approved. That is approved. That's the chain chairman of the planning board said it all run, it all runs with the project.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

I understand this business to, but businesses fail. And if you don't have good financial backing. That was the whole thing.

JOHN SPANBAUER

And there are standards in the ordinance that if they don't present 20% of their maximum capacity. Okay, the city has the right to say okay, you're shutting down, and you've got to decommission. So there are performance things in there. So I think it's worth it for you to read the ordinance, I think would answer a lot of your questions and give you more faith that if a company comes in and it's approved by the city that you're going to perform at the level they should.

KEVIN FORMA

We can certainly get that on the website. And we will send you link as well.

PUBLIC ATTENDEE

So will this affect the property values?

RICH REIS

Oh, property value. So as historically doesn't really have much of an effect on it. I'm not sure how it will effect if it's directly adjacent to it. But I don't know how to properly answer that question. But historically, it hasn't had a negative impact.

CHAIRMAN PALMER

Any other questions from the board? Any other questions from the people out in the audience?

PUBLIC ATTENDEE

I am a totally disinterested party here for a different project. I've been involved with doing renewable energy projects is what architects for about twenty five years roughly. And when you look at like your fact that I've been finding projects that are suggested to my own neighborhood, so I sympathize with the end of the day, and become like, what, where do you stand as a property owner? How does this affect your life and your property values? Because that's really what you wanted to know. From what I hear, I mean, there's railroad tracks and berms, things like that, that are already providing actual screen, where there's not as somebody who, at this juncture, you're taking the time to attend this meeting you give your planning board concerns, the railroad tracks are blocking your view, you're concerned about that. These folks have asked or have already volunteered to put in berms? Well, there's other things that they will give you, if you ask for them. But you have to be very specific and very reasonable with those things. At the end of the day, yes, they're right, this is the quietest neighbor that you could possibly ask for the end of the day, and they're doing all these things to not disturb the soil. And they've mentioned to you, at least twice how they're disturbing less than an acre they're doing that, because they don't want to disturb the

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

soil underneath that it's in some part contaminated. So think about it, for the next 25 years or so, this place is not going to have that soil contaminated, they're doing something that's it's minimal effect that something that's likely to contribute to your health, safety and welfare. It's anything that somebody goes in and wants to develop in some other way.

Number one, there's a lot of financial impacts that probably make that very tenuous as to whether they would ever develop that. So at the end of the day, if you look at it and say, Okay, this is something that you're not really going to see, you're not really going to notice there, and you kind of put a hedge in place, and that that property is not going to get developed for an asphalt plant. Again, that you're kind of, you can negotiate the things that make it as good as possible for you. And if you look at it long term, I mean, who's going to be there more than 25 years, or whatever the length of this project is, you're probably ensuring their life side cycle living there is going to be in harmony with the surrounding development around you. So I would encourage you to look at it very closely, the things you don't like take it to your planning board and say, look, we can support this maybe, but these are the things you have to do to make it better for ourselves. And then chances are, you're being reasonable, that planning board is going to go along with that maybe as good as possible for you and your family

CHAIRMAN PALMER

Any other comments, questions?

UNKNOWN SPEAKER

I just have a quick question. Earlier in your presentation, you said that this size project would only fit in a couple of areas locally. So where are the other areas?

ADAM SERBERT

So there's a couple of industrial zones we got to a list. But like I totally get it if you want it. So if there's like a personal curiosity, There was a couple of places that so there's, there's like, there's a couple of restrictions.

So one, it has to be five chunks or bigger. Two, it has to be zoned industrial. So there's only really a matter and I think we did ask if something changed to industrial and I got laughed at, this was brand new and willing to try it. So that was a like there was something we could ask. And then and then it really comes down to the infrastructure that's in front of it. So it's it is very, very, very, very expensive to have utility upgrade substation, or meter or running lines somewhere else, and it usually kills the project. And so you have to have a very, very big one to make that work.

And, and so I think when I say there's limited places that you can do projects like this, it's it has to be all of those things plus the interconnection capacity really does have to be there. And there is a lot of it left. I mean, New York State in general has been going on for seven to 10 years, as of recently. So we'll say that there is this huge call. So my survey of the governing body for incentive allocation, they have gone through like, almost like a gigawatt. So this project can have many, many times in the past four or five months, all of the assignments disappeared, it was happening all over the place. And so I didn't say that to say that very few places that criteria. We could probably like I could follow up separate in you would like specifics, but the best way to answer it right.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

RICH REIS

I think the city of is putting an RFP together for government loans to improve their homes, RFP is request for proposal.

KEVIN FORMA

Competitive solicitation. That city usually has to do.

PUBLIC ATTENDEE

Quick question. Because he was wondering, you said, if you ever wanted to sell the house, who would want to live next a solar panel.

ADAM SERBERT

I would love to buy it. So I'm trying to call you forever? Yeah, like multifamily units, usually, those things sell off today, and tax law and tax assessment doesn't really do too much in that space. And so like, again, like if you want to about this we can talk about it, but at I can tell you like, my personal opinion, like, like, I wouldn't sell it I would keep it. Right? And I think it's, it's a better to keep it over time than it is to sell it there's never a piece of real estate over a period of 20 years that you're happy it sold.

Alright, so anything else, I would love to go in deep on anything that you guys want? There's any other questions or concerns?

CHAIRMAN PALMER

Okay, with that we're will close the portion of the public hearing at 7:16. So it's time yeah, if you want to leave you can leave. We have some action items that we have to take care of with other developers

PUBLIC ATTENDEE

In our area? This whole area?

CHAIRMAN PALMER

No. Nothing to do with the solar area.

PUBLIC ATTENDEE

I wanted to request something from council. If we don't want any of the project closer than 100 feet, they were saying that it's 30. And we don't want to close it than 100 feet.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

CHAIRMAN PALMER

It has to it has everything has to fall within the parameters of what the ordinances that has been written. As long as they fall within that those guidelines, then there's, as far as the setbacks go. And the setbacks depending on where your property, your property line, is that where there's is that as long as it falls within the setbacks, then there's really not a whole lot that the planning board can do about it. Because they're following the guidelines of the ordinance that was set forth for them to be able to build.

PUBLIC ATTENDEE

So how do we how did we get an understanding that we want? No, closer the solar panels, no closer than 100 feet within our home.

UNKNOWN SPEAKER

This was this was just written recently. So what the councilman was saying was look up the code, it was just written, and it was written really that way. So look it up and you're definitely have a better understanding.

PUBLIC ATTENDEE

It took consideration because when I asked the EPA when they came out, and I asked the EPA, how is this gonna affect us? That's our house, and they didn't know. So I'm asking you now, how do we prevent them from getting closer than 100 feet? Because they're saying 30 feet. And that's not. So I object to the fact that they're going to be 30 feet close. 30 feet is nothing.

CHAIRMAN PALMER

Well, we would take that into, we will take that into consideration. But again, we're also bound to follow the zoning ordinance. We're bound, we're bound to follow the zoning ordinance. So whatever that ordinance says that they can build up to. That's what that's what we have to follow. It's up to 20 feet, so he's going 30 feet. So they're actually doing 10 feet. They're giving you 10 feet more than what the zoning ordinance is requiring them to give you.

PUBLIC ATTENDEE

What I think she's saying, if you haven't, we heard that we can ask request modifications, negotiations, she wants to know, how do you request the setback of 100 feet?

CHAIRMAN PALMER

Okay, we had that in the minutes, we were hearing that they're hearing that that's something that they can go back and they can look at and see if it will work for them to be able to give them that request. Or maybe say, Okay, we can't give you 100 feet. But we'll give you maybe 50 feet. I don't know that that's something that would come out in the site plan when it comes to us.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

So there's no official, or can she send a letter or how do you about being considered.

CHAIRMAN PALMER

Because that's, that's, that's the purpose of the public hearing for us to listen to you all. Tonight. We will discuss this again at our next meeting. Okay,

PUBLIC ATTENDEE

So how do we follow up to make sure that it was being covered? I mean, we hear you tonight when we hear you and this? I mean, we're not against we're not against solar we want low emissions we want. You know, we're not against it. But we don't want to have to suffer because of it being so close to us. We don't want that.

CHAIRMAN PALMER

The EPA can't tell you.

PUBLIC ATTENDEE

I asked him about the about I didn't ask him about the proximity as close, as how close it was to our house. I asked him about how it would affect us physically, and how medically it may affect us. I'm asking you as, as being responsible for zoning, and being responsible for the actual location. I mean, we need to know how do we go about finding out if we can have it 100 feet from our house, we'd only house out there and we want it, we want it. We don't want it? Well, 30 feet is nothing.

CHAIRMAN PALMER

That's something that we would have to discuss with the developer, that that is something that's only possible, because, again, we're following the zoning ordinance.

PUBLIC ATTENDEE

Well, I object to 20 feet, okay, I just want that on record, I object to 20 feet as being closer than 30 feet or 20 feet to our house. What we would like to have is to be 100 feet around our house no closer than 100 feet around our house like they have so the other homes in our house should not be any different. Because you wouldn't say it was 150 feet from the other homes. I want to know that before I can sit before, we can agree to anything that is around our house is 100 feet away.

CHAIRMAN PALMER

I'm not gonna sit here, I'm not gonna sit here tonight, ma'am and tell you that that's gonna happen. I can't do that.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PUBLIC ATTENDEE

Well I'm going to object to anything other than that, but I'm gonna say this when they when they came to survey that land, and they had of the surveyor had cut across our house in the back as if we don't need you don't or we, we didn't extend our house. So whoever did the survey had to be it wasn't done correctly. So we may have to end up having a resurveyed is what I'm saying. You know, it could because of the way it looks from the, from the backside of our house, from the where they posted one photo and where they posted another one. If you came straight across, it cuts right across the back of our house. And I want to make sure that is not going to happen. Just want to make it understood, we objected to the 20 feet, 30 feet or whatever you whatever that closeness is 100 feet is it.

UNKNOWN SPEAKER

Do you have a surface survey for your house?

PUBLIC ATTENDEE

We will get a survey. It's been years because we, you know, my parents bought the house 50 years ago, we've been there for 50 years. I don't have a copy of the survey. But we will get a survey

PUBLIC ATTENDEE

Should be at the county they should have a copy of it.

CHAIRMAN PALMER

No. You've got to a survey from whoever surveyed it.

PUBLIC ATTENDEE

So then she's objective, so then the next step is to attend a future meeting or who will update her to let her know what the final answer is?

CHAIRMAN PALMER

Well, we will, we will hold a meeting. As far as whether or not we will make the recommendations to city council to for the project to go forward. But again, I don't know if you all understanding that our hands are tied too.

PUBLIC ATTENDEE

I understand, I just want to know how my aunt will be updated so we can go

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

CHAIRMAN PALMER

Our hands are tied because we can we can, he heard you, we can ask the same thing that you're telling you telling us what you want, we can ask him Is there a way for them to look at it and see whether or not they can go around your home or not to be able to give you that 100 feet. I'm not saying they're gonna be able to give you 100 feet, they might be able to say well we can with 30 feet back we can give you another 20 feet so that's 50 feet that they're given that that they will be off they can come to our next meet they can come to the next meeting the next meeting will be in two weeks. We meet every two weeks on Wednesdays at six o'clock

KEVIN FORMA

Yeah, it's you can also get the information from the planning environmental website. So we can also as we're sending out links to some of these other documents we can also send that out there city's web page to it usually appears under the news section when the agendas are but yeah, it's every two weeks at six o'clock

CHAIRMAN PALMER

Have a good evening. Thank you. Okay, we're gonna we have to have a little bit of quiet here so we can we can continue with our meeting.

MOTION: No motion was require

ACTION ITEMS:

1. Level 2 Site Plan Review: Benderson Development, applicant for Goodwill store, owner of property at 6560 Niagara Falls Blvd (SBL: 161.06-3-10.1), proposes the addition of a loading dock, trash compactor and drop-off canopy to the previously approved plans

DAVID ZUPPELLI stood and spoke:

We are expanding the existing goodwill locations into an already existing 5000 square foot addition that's already built part of the existing building. We are just extending the tenant out at a loading dock with also a trash compactor. And a drop off can be for any donation. We're slightly tweaking the parking lot just for reconfiguring the parking rules are configured to drop off area and spacing for the strongest terms as well. We have landscaping along Fashion Outlet Boulevard right along all the project area

Just to be clear again the buildings are already built and we're not extending the building anymore this year. The building is already there. The buildings are already built it's just, it's just about 5000 square feet that's vacant right now. So we're just expanding the goodwill tenant over to more space, they requested more space and providing them with a loading dock, or drop off and trash compactors currently right now. We have dumpsters that sit along and everything and we want to get rid of all of those. So we're

Official Minutes
City of Niagara Falls Planning Board
10/12/2022

gonna have a trash compactor right here and also screened with a fence and landscape and the loading dock is a recessed loading dock.

CHAIRMAN PALMER motioned to approved and asked he read the conditions. **DAVID ZUPPELLI** responded that he did not receive the conditions. **KEVIN FORMA** stated the conditions were emailed to him last week.

CHAIRMAN PALMER stated that he just wanted make sure that he aware of the conditions and that everyone is in agreement with those conditions.

A copy was provided to **DAVID ZUPPELLI** to review and advised that we would send him the conditions to him.

A motion to approve was made by **CHAIRMAN PALMER** and seconded **by MR MACDOUGALL**

CHARLES MACDOUGALL: YES

TIMOTHY POLKA: YES

KEN NOSSAVAGE: YES

RYAN DALLAVIA: YES

CHAIRPERSON PALMER: YES

JOSEPH GIAQUINTO YES

JOYCE WILLIAMS YES

MOTION: UNANIMOUSLY APPROVED

2. Level 2 Site Plan Review: Advanced Architecture and Planning, applicant for La Galera Restaurant, owner of property at 9364 Niagara Falls Blvd (SBL: 161.06-3-10.1), proposes restaurant renovation and expansion

FRANK BURKHART stood and spoke. First off, I apologize for missing the last meeting I planned on attending virtually however, I got COVID a couple of days beforehand and that'll be safer. I apologize, I feel much better now.

The project in general is, it's an existing building that was Mexican restaurant El Cubilette, which has since moved into the Town of Niagara. And the owner of LaGalera, who currently operates a restaurant that's been in the town with two locations that I'm aware of, currently operates out of the OfficeMax plaza. And he rents from Benderson, I believe, basically bought the building and the building is undersized, it was deteriorated, had a number of issues. And effectively the project is to add a kitchen addition to the existing building and turn that into the dining room space. And then side addition, that's a vestibule coming off of the directions correct here; that would be the West, the east side of the building. It's a small addition there 16 by 8, as I recall, and then the back additions for the kitchen I believe is 30 by 40. That's all basically kitchen so everything will be brand new in the kitchen, on the kitchen equipment, ventilation, all that good stuff. The restaurant itself is already actually they've done the demo and when

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

we get the permit out of the city to complete the demo and clean that out and are planning on basically when we're all done it will be a new restaurant..

TIMOTHY POLKA asked: Yeah, I have a question. The building to the west, that was a beauty salon or something that's for sale date your client doesn't own that parcel?

FRANK BURKHART responded: No. The parcel was previously owned and I say that cautiously because the owner of LaGalera's, actually, negotiation for the rest of the parcel. The parcel was owned by only, as far as I know the rest of them by a fellow developer they had intended and to try to develop it as a hotel. Found out it wasn't suitable. Sold off this part over a lot to LaGalera and the back part because it goes way back is just empty private property and LaGalera ultimate goal would be if they bought in to build a storage building out there to keep like the food trucks and things like that. I don't know how far we've gone in that discussion. But bottom line is they don't own the salon. And there's a negotiation to buy the rest of that parcel from which the restaurant property has been split off

TIMOTHY POLKA stated: The reason I bring it up is because if you look at the property line, it comes right down where your proposed parking is on the west side of it. That parking could not be utilized. If somebody buys that other parcel.

FRANK BURKHART responded: That's true. The oddity of this site is that the current restaurant has to its west, the side you're talking about the parking lot that any average person would say that belongs to the restaurant. The way we subdivided that property they have like I think it's 21 feet on their building that they own, which happens to be where we can put parking spots into.

When we did our site plan development our parking count that needed to be code is exceeded by the parking that we're now showing on the left side of the restaurant and in that so they need to exceed the code by what fits. Simply what I would call an unencumbered part of the property.

The west side is encumbered that if the owner of that property ever wanted to say no you can't use those parking spots. They really wouldn't have much of a leg to stand on right where they don't need the parking in order to.

TIMOTHY POLKA stated: Nice job you did on this. It looks really nice. It'll be, it'll be an actual clean building, it'll clean it up.

FRANK BURKHART responded: We've got a lot of a lot of obstacles that builders got to jump through in order to get the construction approved. But we think that we're to the point with the, with the building department, unfortunately, we lost Mr. Stanley. But for the folks that are there picked up things and I think we're in a position to get that approved. They're kind of waiting for the planning board at this point to give their blessing to it. So hopefully, hopefully they can get started before winter weather hits them too hard.

A motion to approve was made by CHAIRMAN PALMER and seconded by MS. COWART

CHARLES MACDOUGALL:	YES
TIMOTHY POLKA:	YES
JOSEPH GIAQUINTO	YES

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

KEN NOSSAVAGE:	YES
RYAN DALLAVIA:	YES
CHAIRPERSON PALMER:	YES
JOYCE WILLIAMS	YES

MOTION: UNANIMOUSLY APPROVED

3. Recommendation to City Council (Disposal): Applicant, Afrin Dulal, requests the disposal of city owned property at 1961 Lockport Street (SBL: 144.56-1-4)

CHAIRMAN PALMER stated: Just looks like it's a piece of vacant lot that is adjacent to his home. So we've asked that they do it. But like I said, the mayor has a thing that they're trying to sell the property to the adjacent homeowner. So just probably falls within that realm.

JOYCE WILLIAMS stated: Some people should be here and that it was voted by this board that they come in person.

CHAIRMAN PALMER stated: Well, we've asked that they come in person I mean, like I said, our hands are tied because they've come up with a thing where they put it out that they, they will prefer that to the neighbor by the property. It's only a recommendation to city council to let them sell it.

A motion to approve was made by CHAIRMAN POLKA and seconded by MR. DALLAVIA

CHARLES MACDOUGALL:	YES
TIMOTHY POLKA:	YES
JOSEPH GIAQUINTO	YES
KEN NOSSAVAGE:	YES
RYAN DALLAVIA:	YES
CHAIRPERSON PALMER:	YES
JOYCE WILLIAMS	NO

MOTION: MAJORITY APPROVED

PUBLIC HEARING:

There was no public hearing

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**

PLANNING REPORT / COMMUNICATIONS:

KEVIN FORMA stated: Sure. So not much has really changed since the last time but I do have a new environmental planner who will be starting at the end of the month. She is already a Niagara Falls resident. She's has 13 years as an environmental scientists. So I think she'll be a great addition to the team. She's really excited to start working. And I'm really excited to have her on board. And then just other in terms of staffing for the planner two position. I think at this point, I've concluded all the interviews for that round. I do intend on making gentleman offer, hopefully he will be able to start. He literally does this job except for outside of Vancouver. He's an Orchard Park native and wants to come back here. So hopefully he'll accept and we'll have more good means next time. I'll have seemingly a full staff.

JOYCE WILLIAMS asked: What are the plans for the Beech Avenue project?

KEVIN FORMA responded: For the park project, that's really, that just the kicked off. We just had kind of a small meeting internally with the city, various city departments. They will be doing some outreach plan. So we're not going to see any plans for a little while because they don't

CHAIRMAN PALMER stated: We have plans and things for that. It's already in the in the planning department.

KEVIN FORMA responded: So they're going to be they're going to be looking at, they're going to be looking at doing outreach to the community to just kind of establish where we have been and so some additional comments on that.

JOYCE WILLIAMS stated: I think that they are surveying.

KEVIN FORMA responded: Yeah, they were out last Friday. They were up today as well? I'll have to check the last I knew out folks were out last Friday. Last, Last, I knew our consultants were out last

Friday. I don't know if they stay in, give me a heads up if they were doing some additional surveying. So we'll figure out. But yes, the plan is to know that the new consultant is onboard to relook at at the previous plans for that park. And to kind of make sure that we're all up to speed and to potentially revisit some of the scoping from that work. Just to kind of give the community a good leg up. So if you live in a community you should be you should be receiving some, yeah. So you will be getting an opportunity to then they're going to solicit some more information from the community and then eventually we're going to have a community. We're still really working out the schedule, like they literally just started the work last week was kind of the kickoff. So we're still working on outreach schedule and of course, keep you notified as that as that moves along.

ADJOURNMENT

A motion to adjourn the meeting was made by MR. PALMER

**Official Minutes
City of Niagara Falls Planning Board
10/12/2022**