

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
JUNE 28, 2017**

A meeting of the Niagara Falls Planning Board was held Wednesday, June 28, 2017 at 6:00 PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:**           Willie Dunn  
                          Robert Kazeangin  
                          Michael Murphy  
                          Earl Smeal  
                          Joyce Williams  
                          Richard Smith  
                          Charles MacDougall  
                          Tony Palmer

**EXCUSED:**           Tim Polka

**ALSO:**                Thomas DeSantis  
                          James Bragg  
                          Michelle Shaughnessy

**APPROVAL OF AGENDA**

Seth Piccirillo of Community Development asked the Board to move his Action Items to position 1 and 2 as he has another meeting to attend.

Motion to approve the Agenda with this change was made by Mr. Murphy and seconded by Mr. Dunn **Unanimously Approved**.

**APPROVAL OF MINUTES**

Changes to minutes dated 5/24/17 to take out typo on page 2, second paragraph with incorrect name as applicant,

Motion to approve this change was made by Mr. Smith and seconded by Mr. MacDougall. All in favor except Mr. Kazeangin, he abstained as he was not present at that meeting.

Changes to minutes dated 6-14-17 to correct typos on page 2 and 3- the words he to she and held to help. All in favor.

Motion to Approve changes made by Mr. Kazeangin and seconded by Mr. Dunn. **Unanimously Approved**.

**PUBLIC PARTICIPATION**

None

**ACTION ITEMS:**

**1)     Recommendation To City Council: Disposition of Real Property: 2017 Community Development Request for Proposals**

Proposal by Seth Piccirillo, Department of Community Development, to sell property: 240 70<sup>th</sup> Street for the sum of \$5,700, 410 S. 91<sup>st</sup> Street for the sum of \$7,100, 515 25<sup>th</sup> Street for the sum of \$7,000, 2238 LaSalle Avenue for the sum of \$14,400 and 3543 Ferry Avenue for the sum of \$18,600.

Mr. Piccirillo stated these properties were part of RFP process that ran from April 9<sup>th</sup> 2017 through May 26<sup>th</sup>, 2017. All renovations need to be completed by 10-1-17. The Proposal that was chosen for each was based on Best Use, Highest Bidder, and Best Overall for the City.

Chairman Palmer suggested to the Board that they vote on each property one at a time, and the all Board Members agreed.

**a) 631 Chilton Avenue- Bid winners was Mile and a Half to Go LLC, for the sum of \$4,000.**

Mr. Piccirillo stated that this property received two Proposals and the winning Bidder was Mile and Half to Go LLC.

Mr. Kurtis and Mr. Wagner from Mile and Half to Go LLC stated that they are currently teachers here in the area so they are local guys with local interest. They have 6 years experience acquiring properties and rehabbing them. They own a mix of Residential and Commercial , which tenants all currently occupy. A few examples are Ventry's, residential rentals on 77<sup>th</sup> and 87<sup>th</sup> St. In purchasing this property they wish to keep it a four-unit rental and rehab it to be rented.

Mr. Palmer asked if there would be a manager on site and Mr. Wagner responded that they are In the process of talking his brother to move into one of the units to be a On site Manager.

Mr. Smeal asked Mr. Piccirillo if they had satisfied the RFP process. Mr. Piccirillo stated that yes they had. Part of the process is to look into any back tax issues or Zoning Violations, which they had none.

Mr. Murphy asked Mr. Kurtis if this property would be used as local rentals only or Short Term Rentals as well. Mr. Kurtis stated local rentals only.

Mr. Smith asked Mr. Piccirillo if purchasers had to reside there and Mr. Piccirillo stated no.

- ✓ Motion to Recommend to City Council was made by Mr. Murphy and seconded by Mr. Smeal.

**POLLED VOTE**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously Approved</b>

**b) 424 Memorial Parkway- Bid winner was Mark, Michael & Mathew Valle for the sum of \$7,5000**

Mr. Piccirillo stated that this property had two Proposals and the winning Bidder was the Valles. He was saddened that two great Proposals came in and only one could be chosen. Community Development felt the Valle's Proposal was the best fit to serve the block in a whole. The Valles are looking into purchasing vacant land and other homes on that street. Mr. Piccirillo stated that vacant land in the area will bring down property values as whole.

Mr. Valle stated that the reason they want to purchase this property is to rehab and not tear down. They have been in the Rehab field for 20 years .If a "good" tenant is not found then they will just wait until one is. Their other properties will hold them over until that tenant is found. Mr. Murphy asked what their future plans were for this property and also is the purchase of this property is contingent on the purchase of other properties. Mr. Valle stated their intent is total rehab then rent the property out with rehab budget goal of \$50,000. They would like to stay true to the home character with custom mill work, and hard wood floors refinished. Mr. Valle stated purchasing this property is not contingent on the purchase of other homes. Mr. Smeal asked Mr. Piccirillo if these gentlemen met the strictures of the RFP. Mr. Piccirillo said they had.

Ryan Cali took the floor and handed out six copies of her Proposal to the Board Members. She was raised in Niagara Falls and moved to North Caroline for medical treatment and schooling, she has since moved back. She stated she wanted the home for future family and family gatherings. She felt the language of the RFP led her to believe that the winning Proposal would be a resident not a investor. Ms. Cali asked the Valle's if they would be living in the property and they responded no. Ms. Cali then asked the Board how their Proposal was chosen over hers then. She felt this was a back door deal of some sort. Mr. Palmer re-directed this question to Mr. Piccirillo. He stated that Ms. Cali's Proposal did have great intentions and that this was not a back door deal of any sort. The

decision was based on 424 Memorial and the three surrounding homes and vacant lots as a whole. Mr. Piccirillo then stated that the Petition was received by his office only about a hour and half ago and would like more time to review it. He was unaware of this Petition prior and would suggest this Item be tabled until he can arrange meetings with each party to discuss.

Mr. Murphy explained to the room that the Planning Boards role is to advise City Council if it is in the Cities best interest to dispose of the property only. The Planning Board does not evaluate the plans of the Property. Mr. DeSantis also said he was glad that Mr. Piccirillo asked to Table this item. The Planning Board is just recommending to Council the disposal only, not price or who the Receiver is. Mr. Palmer then stated to Mr. Piccirillo that the Planning Board would like access to Proposal prior to Planning Board meetings. This way the Board can see what they are voting on and not do so blindly. Mr. Piccirillo agreed to do this in the future.

- ✓ Motion to **Table** this Agenda Item was made by Mr. Smith and seconded by Mr. Dunn.

**POLLED VOTE**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes – Unanimously Approved to table</b>

**c) 445 Sixth Street- Bid winner was Denise Mejia for the sum of \$2,000.**

Mr. Piccirillo stated this property had one Proposal.

Ms. Mejia stated that she seen the property and all its potential as it had new windows, roof was in tact and brick was in good condition. Only thing noted from the outside was non-existing porch, which she plans on having constructed.

Ms. Mejia grew up on 7<sup>th</sup> St and currently works at the Casino and is an Author. She stated this location would be perfect for her to get to work, local eateries and social gathering spots. The biggest change in the property will be removal of second floor kitchen to expand the bathroom. This will be a residence for herself and her son and will not be used as a rental

- ✓ Motion to Recommend to City Council was made by Ms. Williams and seconded by Mr. Dunn.

**POLLED VOTE**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously Approved</b>

**2) Recommendation To City Council: Disposition of Real Property: 2017 Home Ownership Auction Sale**

Proposal by Seth Piccirillo, Department of Community Development, to sell property: 240 70<sup>th</sup> Street for the sum of \$5,700, 410 S. 91<sup>st</sup> Street for the sum of \$7,100, 515 25<sup>th</sup> Street for the sum of \$7,000, 2238 LaSalle Avenue for the sum of \$14,400 and 3543 Ferry Avenue for the sum of \$18,600.

Mr. Piccirillo stated that all five of these purchasers are known. Also stated that part of the Process involves a Bidder Bond of \$500. Owners then get that refunded once Certificate of Occupancy is obtained. This is an incentive for purchasers to follow through.

Mr. Smeal suggested that wording from the Home Ownership Auction perhaps should be used in the Community Development Request for Proposal in the future to avoid any future misunderstandings. Mr. Murphy agreed maybe a clause like "Other terms to be considered" should be added. Mr. Piccirillo stated he will be looking into this as he also feels it is needed.

✓ Motion to Recommend to City Council was made by Mr. Murphy and seconded by Mr. Smeal.

**POLLED VOTE**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously Approved</b>

**3) Site Plan Review: 7200-7414 Niagara Falls Blvd (C3)**

Proposal by Benderson Development to construct 6,696 sq. ft. building in Niagara Consumer

Mr. Oates stated parcel is currently just grassy out parcel. Would like to add parking and landscaping along with the structure. Two separate "bumps" with different looks so possibility could be two tenants.

Mr. Palmer asked if they have tenants and Mr. Oates stated that is in the process of finalizing tenants but nothing set just yet. Their goal is to have tenants lined up before completion.

**Conditions:** Upon review, staff certifies that the above action complies with the City's Codified Zoning Ordinances, in intent and purpose, specifically Chapter 1324, but only with the following conditions being satisfied in conjunction with the proposed use(s) or expansion:

1. **Environmental Assessment (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 31, 2017.
2. **Compliance:** Comply with all applicable State and local building, safety, and health codes. Deviation from or non-compliance with any conditions of this Site Plan approval, shall render this approval null and void
3. **Expiry Date:** Applicant shall act to implement and substantially complete the proposed action, as approved, within 18 months from the date of approval. Failure to substantially complete the proposed action shall render this Site Plan Approval null and void unless an extension is granted.
4. **Signage:** Signage shall comply with Chapter 1121 of the Codified Ordinances.
5. **Storage:** Outside storage of materials shall be screened from view. Proposed dumpster and enclosure shall comply with Section 738.08 of the Codified Ordinances.
6. **Landscaping:** In addition to the existing site landscaping, the applicant proposes to add 7 additional trees and 392 shrubs. The site is in compliance with all applicable landscaping, screening and buffer regulations of Chapter 1322. Proposed trees shall have a minimum 2" caliper. Planting areas contiguous to the parking lot should be delineated by a "raised-curb" or similar.
7. **Lighting:** All exterior site lighting, including wall packs, shall be angled downward only and away from adjacent properties. All fixtures and luminaries shall be of a full cut design and shall be of a type that does not exceed a 90 degree cutoff angle. Any light standard shall not exceed 25' in height. Lightening details shall be part of construction drawings.

**8. Bond:** A performance bond, or equivalent, in the amount of \$17,420 shall be submitted to the Legal Department in accordance with Section 1301.10 and 1324.7 of the Zoning Ordinance prior to the issuance of any building permit or certificate of occupancy.

✓ Motion to Approve Site Plan with conditions was made by Mr. Smith and seconded by Mr. Kazeangin .

**POLLED VOTE**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously Approved</b>

**4) Site Plan Review: 7920 Niagara Falls Blvd (C3)**

Proposal by Benderson Development, to construct new 2,744 sq. ft. convenience store, installation of new underground storage tanks, new gas pumps and new prep hut for carwash.

Mr. Oates from Benderson stated that new gas tanks, free vacuum service for customers, and free self drying stations will be part of this plan. Main goal is to modernize the facility and will provide better flow for the gas pumps. Also stated that down time would be approximately 8-10 weeks.

Mr. Palmer asked if there would be any changes to the entrance/exits and also what the store size difference is from current facility. Mr. Oates said there will be no changes in entrance's/exits and the size difference is about 200-1300 ft more.

**Conditions:** Upon review, staff certifies that the above action complies with the City's Codified Zoning Ordinances, in intent and purpose, specifically Chapter 1324, but only with the following conditions being satisfied in conjunction with the proposed use(s) or expansion:

**1) Environmental Assessment (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 12, 2017.

**2) Compliance:** Comply with all applicable State and local building, safety, and health codes. Deviation from or non-compliance with any conditions of this Site Plan approval, shall render this approval null and void

**3) Expiry Date:** Applicant shall act to implement and substantially complete the proposed action, as approved, within 18 months from the date of approval. Failure to substantially complete the proposed action shall render this Site Plan Approval null and void unless an extension is granted.

**4) Signage:** Signage shall comply with Chapter 1121 of the Codified Ordinances.

**5) Storage:** Proposed dumpster and enclosure shall comply with Section 738.08 of the Codified Ordinances.

**6) Landscaping:** In addition to the existing site landscaping, the applicant proposes to add 14 additional trees and 34 shrubs. The site is in compliance with all applicable landscaping, screening and buffer regulations of Chapter 1322. Proposed trees shall have a minimum 2" caliper. Planting areas contiguous to the parking lot should be delineated by a "raised-curb" or similar.

**7) Lighting:** All exterior site lighting, including wall packs, shall be angled downward only and away from adjacent properties. All fixtures and luminaries shall be of a full cut design and shall be of a type

that does not exceed a 90 degree cutoff angle. Any light standard shall not exceed 25' in height. Lightening details shall be part of construction drawings.

**8) Bond:** A performance bond, or equivalent, in the amount of \$5,761 shall be submitted to the Legal Department in accordance with Section 1301.10 and 1324.7 of the Zoning Ordinance prior to the issuance of any building permit or certificate of occupancy.

- ✓ Motion to Approve Site Plan with conditions was made by Mr. Smeal and seconded Mr. Smith

**POLLED VOTE:**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously Approved</b>

**5) Site Plan Review: 9351 Rivershore Drive (R1-B)**

Proposal by James Ellis to construct 4' high side yard fence

Mr. Ellis was not present at this meeting but the Board felt there was no reason not to vote as plans were self-explanatory. Mr. Bragg stated reason for fencing is for small dogs and small grand children's safety.

**Conditions:** Upon review, staff certifies that the above action complies with the City's Codified Zoning Ordinances, in intent and purpose, specifically Chapter 1324, but only with the following conditions being satisfied in conjunction with the proposed use(s) or expansion:

**Environmental Assessment (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated June 22.2017.

**Compliance:** Comply with all applicable State and local building, safety, and health codes. Deviation from or non-compliance with any conditions of this Site Plan approval shall render this approval null and void.

**Expiry Date:** Applicant shall act to implement and substantially complete the proposed action, as approved, within 18 months from the date of approval. Failure to substantially complete the proposed action shall render this Site Plan Approval null and void unless an extension is granted.

**Screening:** Fence to be located between house and garage shall be a picket fence made up of a vinyl material. The fence is not located within a flood zone.

**Landscaping:** Requirement is for one tree (1 per 50' frontage or part thereof); existing landscaping shall be accepted as fulfilling this requirement.

- ✓ Motion to Approve Site Plan with conditions was made by Mr. Kazeangin and seconded by Mr. Smith

**POLLED VOTE:**

Mr. Dunn	Yes
Mr. Kazeangin	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes

Ms. Williams	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<b>Yes Unanimously approved</b>

**NEW BUSINESS**

Mr. DeSantis said there are plans in the works for the Turtle building with more info to come soon.

**OLD BUSINESS**

None

**COMMUNICATIONS**

✓ Letter to Paul Grenga in regards of his plans for 360 Rainbow Blvd.

Mr. Smith asked that once a Planning Board meeting is set in place that this be the only Action Item to allow focus to be on this Item. Mr. DeSantis stated that could be arranged.

**PLANNING REPORT**

Mr. DeSantis stated that the City is close to choosing winning RFP for 7<sup>th</sup> and Niagara Project.

**ADJOURN**

Motion to adjourn meeting was made by Mr. Smith and seconded by Mr. Smeal and meeting Duly adjourned at 7:19 P.M.