

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
JULY 26, 2017**

A meeting of the Niagara Falls Planning Board was held Wednesday, July 26, 2017 at 6:00 PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

<b>PRESENT:</b>	Willie Dunn Robert Kazeangin Michael Murphy Earl Smeal Joyce Williams Richard Smith Charles MacDougall	<b>ALSO:</b>	Tony Palmer Tim Polka Thomas DeSantis James Bragg Michelle Shaughnessy
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**APPROVAL OF AGENDA**

Mr. Palmer and Mr. DeSantis introduced two items for addition to the agenda. After some discussion there was a motion to walk-on to the Agenda; Action Item #2, "Disposition of City-owned Property: 2056 Virginia Avenue." Also, to add an item under; New Business, "Set date for Special Meeting of the NF Planning Board" in order to consider Site Plan Review for a Water Park development on property located at 300 Third Street. A motion was made to amend and approve the amended agenda by Ms. Williams and seconded by Mr. Kazeangin. **Unanimously Approved.**

**APPROVAL OF MINUTES**

Correction to minutes dated 6/28/17 regarding the spelling of Mr. Grenga's name.

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

**PUBLIC PARTICIPATION**

None

**ACTION ITEMS:**

**1) Site Plan Review: 515 Third Street (C2) and 508 Fourth Street (R3-C):**

Proposal by David Guisana, as representative of the owner, to construct a 4,550 sq. ft., 50-room hotel, together with a (24-space) parking lot on a nearby (but separate) parcel.

Mr. Guisana stated he and the owner had read the Planning Board Recommendations. Noting the concerns raised such as lighting, the size of the building compared to the lot size, and the height of the building, however he stated that his project does meet code. There were other opportunities to acquire this property by the City, but they chose not to do so. (Not true). His client did instead and this Site Plan is what his client has decided to do on this Site, which is to tear down the existing house on 4<sup>th</sup> St. behind 515 Third St. and across the public alley to construct a (stand-alone) parking lot.

Mr. Polka asked about the garbage storage aspect. He wanted to know what hotel has garbage totes and not a dumpster? He wanted to know how it would all work? Mr. Guisana said he felt the Site Plan was more of a Schematic Site Plan than an actual representation of the final design / build. Mr. Guisana also stated that many business's use totes in place of a dumpster. Mr. DeSantis asked Mr. Guisana if he has any examples of any new-builds that use totes, Mr. Guisana stated he did not have any examples.

Mr. Murphy stated that as a Hotel guest he personally would not want garbage outside his hotel room window — if he were a visitor. The garbage tote placement on the plans shows just that. Mr. Murphy also stated that he would never support a curb cut on a residential street for commercial use. Mr. Guisana responded that perhaps e could propose parking spots in front of the Building Line. Mr. Murphy said he STRONGLY would encourage decreasing the size of the building on this parcel.

Mr. Palmer asked how the Alley would be incorporated in their Site Plan? Mr. DeSantis said it would create a stand-alone parking lot (not allowed under the zoning) once the existing home is torn down. Mr. Guisana stated the parcel was purchased as a parking lot so why is that different now? Mr. Murphy said it was to be used for parking but that it remained a residential use and home, and that the residential structure (and use) was to remain standing. This was part of that original agreement for that parcel. Now that the residential structure is being torn down, this changes the terms of the previous approval.

Mr. Palmer offered Mr. Guisana the opportunity to withdraw his Site Plan, make changes and then come before the Board after changes are made that would make the proposal more acceptable. Mr. Guisana declined this offer on behalf of his client, as the alley issue will never change so there is no point to resubmit.

- ✓ Upon review, staff cannot certify that the above action complies with the City's Codified Zoning Ordinances in intent and/or purpose. It is staff's recommendation therefore that this application be **DENIED**. Further:

The current land use proposal/site plan, as submitted by the applicant raises multiple questions and/or areas of concern that should be appropriately addressed or at least understood by the Planning Board before moving forward. The site plan lacks sufficient detail in areas necessary for evaluating compliance with zoning requirements as well as evaluating the sufficiency of the elements that have been included in the 'plan.' The purpose and intent of the zoning is to ensure that development proposals and plans contribute to the attainment of the City's planning goals and other downtown development objectives. In order to accomplish that, a sufficient level of clarity and quality in the details of any proposal is required.

The applicant has not provided sufficient detail in the current plan submission, as required under **Section 1324.4.B.3** of the Zoning Ordinance for: landscaping, exterior lighting, utility connections and signage. Any site-proposed lighting scheme should fully include type, number, placement and installation-methods. In the absence of such details, it makes it difficult to determine the sufficiency of exterior site lighting. The lack of landscaping details also makes it difficult to determine the sufficiency of the proposed landscaping installation. The plan includes no dumpster nor detailed information on how garbage will be stored on site and removed from premises.

The proposed circulation and connectivity doesn't match the demand for the project or goals of a traditional commercial district; motor vehicle movements are given priority over pedestrians. No pedestrian circulation plan, per Section 1319.2.5.A.1, has been included in the application. The alley is not designed for heavy motor vehicle or pedestrian usage. The minimum off-street parking requirement for a 50-room hotel in a traditional commercial C2 Zoning District is 38 spaces. The applicant provides 30 parking; two of those 30 spaces are possibly in the city right-of-way and thus illegal. Handicap parking is not provided and narrow aisle widths make it difficult to navigate from the hotel to the parking lot. The turning radial, from the alley and between the two lot areas, is too tight.

The scale and context of the proposed hotel is not in keeping with the character of the neighborhood and does not fit into the general context of commercial buildings. The bulky, box-like structure is out of context with the setting and does not contribute to nor maintains the unique built environment that makes up the Third Street Entertainment District.

Upon review, staff cannot certify that the above action complies with the City's Codified Zoning Ordinances in intent and purpose. It is staff's recommendation that this application be **DENIED**. However,

*Should the Planning Board decide to grant the applicant's request and approve this project as presented then the Staff would have made the following conditions a requirement of such approval consideration.*

- 1) **Environmental Assessment (SEQRA):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 30, 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:** The applicant must provide a detailed plan on how garbage will be stored and removed in the absence of a dumpster.
- 6) **Landscaping:** Requirement is for five (5) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof) and a 10' wide landscaped strip along the perimeter of any such parking area. In lieu of the required tree planting and given the developed nature of the site, shrubs and trees shall be accepted according to the planting schedule made part of this site plan as fulfilling this condition. 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) **Parking:** Parking area and associated driveways and access aisles shall be paved and drained to the City sewer system as per City Engineering Department standards and approvals. Handicapped parking spaces shall be marked and signed in accordance with NYS requirements. Improvements undertaken by the applicant shall be at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Minimum parking space dimensions are 9' x 18' per space. Minimum parking space dimensions are 9' x 18' per space.
- 8) **Screening:** Site shall be screened with a solid privacy decorative wood fencing material along the property lines that are contiguous with the residential districts. . Such fence shall be reduced to a four-foot height where the fence is aligned with the front yard setback of adjacent residential properties.
- 9) **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° cutoff angle. Any light standard shall not exceed 25' in height. Lighting details shall be provided as part of construction drawings.
- 10) **Right-of-Way:** Sidewalks shall be maintained (or re-constructed) along Third and Fourth Streets. Improvements undertaken by the developer/applicant shall be at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant

*specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Evidence of such shall be provided to Code Enforcement Department prior to the issuance of any Certificate of Occupancy.*

11) **Bond:** *A performance bond, or equivalent, in the amount of \$4,600 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 Deny Site Plan was made by Mr. Smith and seconded by Mr. Murphy.

**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>DENIED</b>	<b>Unanimously</b>

2) **Recommendation To City Council: Disposition of City-owned Real Property located at, 2056 Virginia Avenue; SBL# 130.81-2-75 (R1-C Detached Single-Family Residential)**

Proposal by Gerale Jones to purchase real property, at the above referenced location, for the offered price of \$1,000. Forwarded by the NF Law Department, with the condition that the property is brought up to code compliance and that the prospective purchaser occupied this property as his primary residence for at least five years.

- ✓ Mr. Jones and his wife were present at the meeting. Mr. Jones stated his children go to (Henry J.) Kalfas for schooling and he works right down the street from this property. He has already had a contractor go through the property to make sure they could afford the necessary repairs, which they can. Both sides of his family live close to this residence and the Jones would like to make this property their family home.
- ✓ Mr. DeSantis said that the Planning Department pulled this property off the General Auction list to protect other investments in the neighborhood.. Staff felt that this property had potential and is pleased that a family or and not a slum landlord has a chance to get this property.

Motion to Recommend to City Council on condition that the purchaser brings the structure into code compliance and that the purchaser occupy as a primary residence for five years was made by Ms. Williams and seconded by Mr. Smith.

**POLLED VOTE**

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

## **NEW BUSINESS**

Special Meeting to be set for Site Plan Review for a development proposal located at 300 Third Street to construct a new indoor water park. Emilio Raimondo of Raimondo Architect, as agent for owner American Hospitality Niagara, has submitted a Site Plan for an indoor Water Park Facility and support amenities, which will be adjacent to, and connected with, the existing Sheraton Hotel.. Mr. DeSantis stated this parcel has an approved sale contract with the City, which is awaiting closing. However, they (American Hospitality Niagara) would like to keep moving forward with this project. Mr. DeSantis asked the Board if they could consider setting a date for a Special Meeting. He stated that staff believes that it is warranted so as to move this project forward, prior to next scheduled Planning Board meeting in September.

Motion to Set Special Meeting for August 9, 2017, for this was made by Mr. Smith and seconded by Mr. Murphy. **Unanimously Approved.**

## **COMMUNICATIONS**

None

## **PLANNING REPORT**

- ✓ Mr. DeSantis reminded the Board that the Planning and Development Dept. had proffered two successful RFP's recently. The first was 324 Niagara St, accepting the Savarino & Community Beer Works re-development proposal. They are now in the process of purchasing the next-door buildings and incorporating them into a larger project. The second successful RFP was for the 7th & Niagara site, which is a \$5 million re-development proposal by TM Montante, partnering with the NU Global Tourism Institute. The Planning & Economic Development Department is now in process for offering a third RFP. This RFP will be for the 'Canon Block' site, which is multiple parcels located on the north side of Main St., near Third St.
- ✓ Mr. DeSantis also mentioned that a 2016 CFA grant had enabled the Dept. to go forward with the 7th and Niagara RFP. In hope to keep momentum and developer interest in potential opportunities in the South End, staff is in the process of making another larger application for funding for a similar RFP exercise next year, pending another successful CFA award from the 2017 round.
- ✓ This despite a roadblock that has unexpectedly pop up with respect to advancing the 7th and Niagara Project. That said, staff continues to work the issues and I am confident that this will be overcome quickly and with little lasting damage to our ongoing efforts at bringing new investment opportunities to market for the South End. The South End also includes Memorial Medical Center and the NACC.
- ✓ Mr. Kazeangin wanted the Board to know that he is hearing great feed back on the Bed and Breakfast Facility that was approved on Forest Avenue. The neighbors are very impressed with the owners and they have stayed true to their word.

## **ADJOURN**

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Smith and meeting Duly adjourned at 6:58 P.M.