

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
JUNE 14th, 2017**

A meeting of the Niagara Falls Planning Board was held Wednesday, June 14th, 2017 at 6:01 PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

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

ALSO: James Bragg
 Michelle Shaughnessy

APPROVAL OF AGENDA

- ✓ Motion to Cancel Public Hearing for 360 Rainbow Blvd was made by Mr. Smith and seconded by Ms. Williams. Unanimously approved.
- ✓ Motion to approve the Agenda with change was made by Mr. Kazeangin and seconded by Mr. Smith. Unanimously approved.

APPROVAL OF MINUTES

Minutes from 5/24/17 not available for approval at this time

PUBLIC PARTICIPATION

None

ACTION ITEMS:

1. Site Plan Review: 8003 W. Rivershore Drive (R1-B)

Proposal by JoAnne Hailey to construct an 8'x12' shed on the property.

- ✓ Mrs. Hailey and her Husband were present at this meeting and explained that the shed would be on the east of their property and be used to store lawn equipment and lawn furniture. They have received a signed letter from that neighbor stating he was okay with this shed placement.
- ✓ Mr. Smeal asked if both neighbors were notified and Mrs. Hailey stated yes they have been.

Conditions:

1. **Environmental Assessment (SEQRA):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated 6/1/2017.
2. **Compliance:** Comply with all applicable State and local building, safety, and health codes in particular those specifically identified in condition number 5. 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. **Storage:** Outside storage of materials shall be screened from view and shall comply with Section 738.08 of the Codified Ordinances.
5. **Landscaping:** The existing landscaping meets the requirements of Chapter 1322 Landscaping, Screening and Buffer Regulations.

- ✓ Motion to Approve Site plan with attached conditions was made by Mr. Smith and seconded by Mr. Smeal. Unanimously approved.

POLLED VOTE

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

2. Site Plan Review: 501 Walnut Avenue (R3-C)

Proposal by 7170 Group LLC (Ellicott Development) to construct a parking lot (31 spaces) to support office used at 606 Walnut Avenue,

- ✓ This Item was tabled as no representative from Ellicott Development was present at this time.
- ✓ Motion to Table this action item was made by Mr. Murphy and seconded by Ms. Williams. Unanimously approved

POLLED VOTE

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes to table Item

- ✓ Mr. Gregory showed up late to the meeting as he was stuck in Traffic so the Board Voted to Re-add this Action Item to the Agenda.
- ✓ Motion to Re-Add was made by Mr. Smith and seconded by Mr. Polka. Unanimously approved.

POLLED VOTE

Mr. Dunn	Yes
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Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes to re-add Item

- ✓ Mr. Gregory from Ellicott Development stated this is the same Site Plan that was approved back in 2013. At that time North Pointe was going to be their tenant but the City was not in favor of that so the lease had to be broken. Therefor the Plan never was executed. At this time they have a Lease with BOCES, which will require the parking spaces.
- ✓ Mr. Polka asked whom owner the property at this time and Mr. Gregory stated 7170 Group LLC does.
- ✓ Mr. Murphy asked that in the future would they consider adding lightening for the neighbors on 5th Street, as this would help detour crime, even if solar powered, as there was a question of a utility pole on site. Mr. Gregory stated that in the future they would consider it.
- ✓ Mr. Polka stated that a Fence would need to be installed along the back of the Site, which is not on the Site Plan. Mr. Gregory agreed to add that aspect into the Plan.
- ✓ Mr. Bragg addressed the Board to let them know that this property cannot be amalgamated as there is a street separating this Site and 606 Sixth Street. Only ones that can amalgamate a property like this would be Non Tax, Utility and if it was Waterfront by law.

- 1) **Environmental Assessment (SEQRA):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated June 1, 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) **Landscaping:** Landscaping plan dated 4/24/2013 includes seven (7) trees and forty-nine (49) shrubs fulfills the purpose and intent of the landscaping and buffer regulations of Zoning 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.
- 6) **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 Minimum parking space dimensions are 9' x 18' per space.
- 7) **Screening:** A solid privacy wood fence shall be constructed and maintained along the southern property line. This fence shall follow all applicable height restrictions for a residential district: such fence shall be reduced to a four-foot height where the fence is aligned with the front yard setback of adjacent residential properties. .
- 8) **Bond:** A performance bond, or equivalent, in the amount of \$10,000 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. Kazeangin and seconded by Mr. Dunn. Unanimously approved.

POLLED VOTE:

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

3. Site Plan Review: 2445 Allen Avenue

Proposal by CRS Truck & Trailer Service (Anthony Santarosa) to construct a 1.680 sq. ft. metal building, to house water treatment operations.

- ✓ Mr. Santarosa stated that it an expansion of existing building to house his trucks.
- ✓ Mr. Palmer stated he visited the Site today and it is a basic add on.

1) Environmental Assessment (SEQR): The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated June 1, 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. Any hazardous materials shall be contained within an enclosed structure only

6) Landscaping: In lieu of the required tree planting and given the industrial history and disturbed nature of the site, the proposed landscaping as identified on the site plan shall be accepted as fulfilling this condition.

7) Other Approvals: The applicant shall obtain all necessary approvals and permits from the Niagara Falls Water Board, NYSDEC and any other applicable approving agencies and comply with all conditions associated therewith. Any modification of site operations shall necessitate notification of the Niagara Falls Planning Board. Failure to comply with Planning Board and other regulatory agency conditions shall render this approval null and void.

8) 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.

9) Lot / Boundary lines: The proposed site consisting of 2414-2454 Allen Avenue (SBL# 159.50-2-36.21), 2445 Allen Avenue (SBL# 159.11-1-14) and 2485 Allen Avenue (SBL# 159.11-1-15) shall be legally subdivided/amalgamated into a single lot/SBL number, pursuant to regulations, prior to filing for a building permit.

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

POLLED VOTE:

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

4. Site Plan Review: 300 3rd Street (D1-A)

Proposal by American Niagara Hospitality to construct new 3 story (184 room/26 suite) Hotel addition.

- ✓ Mr. Raimondo was present and stated this addition would make this a Dual Brand for the hotel and would have an Atrium which would house elevators and support services for the hotels.
- ✓ Polka asked SEQR response 2 of 3 on item 13 and how it was checked incorrectly. Mr. Bragg stated that this is system generated as Site is in the Mill district. Mr. Raimondo stated he questioned this as well and had contacted Mr. Bragg with the same question.
- ✓ Mr. Polka asked about the Letter of Intent as it stated there would be an Encroachment onto City property. Mr. Raimondo stated that this has been discussed with his client and they will be coming back for the Encroachment's both existing and future.

1. ***Environmental Assessment (SEQR):*** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated 5/04/2017.
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 Sign or Chapter 1319.2 Design Overlay of the Codified Ordinances. If there should be a conflict between Chapter 1121 and 1319.2 then whichever chapter imposes greater restrictions on rules, regulations, permits or other authorizations shall control.
5. ***Landscaping:*** The existing landscaping fulfills the purpose and intent of the requirements of Chapter 1322 Landscaping, Screening and Buffer regulations. .
6. ***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.
7. ***Right-of-Way:*** Sidewalks shall be maintained (or re-constructed) along Third Street and Old Falls Street property line. 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.

8. **Accessory Off Site Parking:** There's an existing parking agreement between the City and developer, for parking, which shall fulfill Chapter 1325.7 requirements.

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

POLLED VOTE:

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

5. **Recommendation to Council: Disposition of Real Property: Sell Real Property - 3314 Royal Avenue ((C1-B 159.44-2-13)**

Proposal by Thomas O'Donnell, Law Department, to sell property to adjacent Property Owner

Jeffrey Hillman, for the sum of \$2,000.00 with condition the parcels are amalgamated.

- ✓ Mr. Hillman stated he wish's to purchase the property to combine to build a shelter for his tow trucks and equipment.
- ✓ Motion to Recommend to City Council was made by Mr. Smeal and seconded by Mr. Kazeangin. Unanimously approved

POLLED VOTE:

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

6. **Recommendation to Council: Disposition of Real Property: Sell Real Property – 437 81st Street ((R1-C 161.13-4-31)**

Proposal by Thomas O'Donnell, Law Department, to sell property to adjacent Property Owner Jeffrey R.York for the sum of \$500.00 with condition that the two parcels be amalgamated

- ✓ Mr. York was not present at this meeting. Mr. Murphy asked why he wasn't present and Mr. Bragg stated was a last minute add on to agenda so may not have been notified by law department to attend.
- ✓ Motion to Recommend to City Council was made by Mr. Kazeangin and seconded by Mr. Polka. Unanimously approved

POLLED VOTE:

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Kazeangin	Yes
Mr. Palmer	Yes
APPROVED	Yes

NEW BUSINESS -NONE

OLD BUSINESS-NONE

COMMUNICATIONS- Newsletter

PLANNING REPORT

- ✓ Mr. Bragg explained to the Board that Mr. DeSantis wanted the Public Hearing canceled because a new Site Plan was not submitted to the Planning Office as was instructed to be done. That is why no information was handed out to Board Members to review, as the Planning Office had no information. A new Public Hearing date will be established in the future.
- ✓ Mr. Smith and Mr. Kazeangin both voiced that they feel the Public Meeting should be held on a date where there is no other Action Items so all focus could be on this Site Plan.
- ✓ Mr. Murphy stated he would also like to add to conditions, when it gets to that stage of the game, that certain conditions be met within a certain time frame.

ADJOURN

- ✓ Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Smith and meeting duly adjourned at 6:52 P.M.