

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
April 4, 2018**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, April 4, 2018, at 6:01 PM, in Council Chambers, City Hall, 745-Main Street, Niagara Falls, New York.

**PRESENT:**

Joyce Williams  
Richard Smith  
Charles MacDougall  
Robert Kazeangin  
William Dunn  
Michael Murphy  
Tony Palmer

**ALSO:**

Jim Bragg  
Thomas DeSantis  
Michelle Shaughnessy

**ABSENT:**

Timothy Polka  
Peter Heuer

**APPROVAL OF AGENDA**

A motion to approve the Agenda was made by Mr. Smith and seconded by Mr. MacDougall.  
**Unanimously Approved.**

**ACTION ITEMS**

**1) Site Plan Review: 1340 Military Road (C-3):**

**Proposal by Mr. Chi, representing the plaza owner, and proprietor of the proposed new restaurant — Steak, Stone and Sushi, to construct a 360 sq. ft. (7 table-28 seats) patio on the private property located at 1340 Military Road.**

Mr. Chi stated the patio is intended to make the new restaurant stand out on Military Road and attract area-visitors and tourists, as well as mall shoppers.

Mr. Palmer asked if they will have their liquor license and if so will there only be one entrance from the outside leading onto the patio. Mr. Chi said yes they will be serving liquor and there will be one outside entrance and another on inside entrance as per regulation.

Mr. Smith asked if there will be a dumpster on site. Mr. Bragg stated that there is already an existing dumpster there from the former McAlister's restaurant. (May be provided by the current landlord to the site.) Ms. Williams asked about the fencing for the Dumpster and also for the new patio area. Mr. Chi said the dumpster has a brick enclosure and the patio will include a 30-inch powder-coated black metal enclosing fence.

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 (SEQRA):*** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated 3/05/2018.
- 2) *Compliance:*** The proposed action comply with all applicable State and local building, safety, and health codes in particular those specifically identified in condition #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) *Signage:*** Signage shall comply with Chapter 1121 of the Codified Ordinances.
- 5) *Landscaping:*** The previous November 6 2014 landscaping plan for the 1340 Military Avenue Site Plan approval has been implemented, the intent and purpose of Chapter 1322 is fulfilled and satisfied.

- 6) **Storage:** Outside storage of materials/equipment shall be maintained clutter free, secure and screened, as necessary. All outdoor dining furniture, including tables, chairs, umbrellas and planters in patio shall be stored indoors when not in use.
- 7) **Public Utilities:** Patio shall not block access to Fire Department connections, sewers, water works, gas valves or doors.
- 8) **Right-of-Way:** The patio will not be expanded to encroach into the city right of way.
- 9) **Railing:** Patio shall be marked off by means of decorative 30" steel tub powder coated black modular fence as per proposed details.
- 10) **Advertising/Signage:** Advertising shall not be placed or hung from the patio railing.

Motion recommending to Approve was made by Mr. Murphy, and seconded by Mr. Smith. **Unanimously Approved**

**POLLED VOTE**

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

**Site Plan Review: 400 47th Street (I2)**

**Proposal by Dean Hale representing the property owner and plant operator, Niacet Corporation, to construct a 2.640 sq. ft. building for processing AHCL (Anhydrous Hydrogen Chloride).**

Dean Hale, of Niacet, explained they intend to erect a single story prefab building in support of the processing and particularly the packing of AHCL into DOT cylinders in preparation for external sale. Mr. Hale explained that this material (AHCL) is used primarily by companies in the 'etching' of computer chips. This building will reside in the middle of existing building on site.

Mr. Palmer stated he went to the site/location earlier that day and the Plans are pretty cut and dry — a match with what is being talked about and.

Mr. DeSantis asked the question if Niacet has any future plans to improve the aesthetics of the Site on the Boulevard side. Mr. Hale stated that the site is under remediation currently. He had heard talks of future plans once this is complete to improved the aesthetics. He will look into this and let the board know more when he knows more. Mr. DeSantis thanked him for passing the information along.

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 (SEQRA):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated March 30, 2018.
- 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.
- 6) **Landscaping:** In lieu of the required tree planting and given the prior 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 any necessary approvals and permits from the NYSDEC and any other approving Agencies, and comply with any conditions associated therewith.

Motion recommending to Approve was made by Mr. Kazeangin, and seconded by Mr. Smith. **Unanimously Approved**

**POLLED VOTE**

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

**3) Site Plan Review: 24 Buffalo Avenue (D1-C)**

**Proposal by Jonathan E. Bennett Architecture P.C. as agent for Restaurant & Banquet, The Niagara Club, to construct 684 sq. ft. roof top lounge with flat roof.**

Mr. Bennett stated this Site Plan allows two entrances onto the roof top patio. First is from inside the existing building and another via a set of stairs off 1<sup>st</sup> Street. The outside stairs will allow visitors to enjoy the rooftop without interrupting functions that may be going on inside the building its self. The patio will have wire railings, outside furniture, and portable fire pits. Half of the upstairs will be indoors with a bar. There will also be a set of 16 ft. panelized door that can open up and allow indoor and outdoor use of full upstairs on good weather days. Mr. Bennett also stated that they are trying to match the existing exterior with a material like a green limestone. The upstairs sign will also match existing downstairs sign.

Mr. DeSantis asked what material would be on decking of the upstairs. Mr. Patel stated that currently there is concrete deck with EPDM and composite Decking over that. They will be stripping this down to bare concrete and installing exterior slate tiles.

Mr. Palmer asked what is expected date of start and completion of the project. Mr. Green stated that they would like to hopefully all this year depending on funding. They would like to start the Terrace as soon as possible.

Mr. Bennett and Mr. Green asked about the Condition on " Signage". They asked if the upstairs sign could be backlit. Mr. DeSantis stated that as long as Code is followed that there should be no issues with that.

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 March 2, 2018.
- 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. No roof top signs are permitted. Advertising shall not be placed or hung from roof top fence.
- 5) **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 90-degree cutoff angle. Any light standard shall not exceed 25' in height. Lighting details shall be provided as part of construction drawings.

Motion recommending to Approve was made by Mr. Dunn, and seconded by Ms. Williams. **Unanimously Approved**

**POLLED VOTE**

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

**NEW BUSINESS:** None

**OLD BUSINESS:** None

**COMMUNICATIONS:** None

**PLANNING REPORT:** None

**ADJOURN:**

Motion to adjourn meeting was made by Ms. Williams and seconded by Mr. Kazeangin and meeting duly adjourned at 6:48 P.M