

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
February 27, 2019**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, February 27, 2019, at 6:09 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

PRESENT:

Tony Palmer
Timothy Polka
William Dunn
Charles MacDougall
Peter Heuer

ALSO:

James Bragg
Michelle Shaughnessy
Thomas DeSantis

EXCUSED:

Michael Murphy
Robert Kazeangin
Joyce Williams

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion to Approve the Minutes for the meeting dated 2/13/19 was made by Mr. Polka, and seconded by Mr. Dunn with corrections on spelling. — **Unanimously Approved.**

PUBLIC HEARINGS:

1. Abandonment of portion of alley that runs from Third Street east to Fourth Street.

The Chair called the Hearing opened at: 6:04

Frank Strangio, of Plati Niagara Inc., explained his company's reasoning for the petition for abandonment of the ally. Plati Niagara Inc. had purchased vacant lots adjacent to the Wingate Hotel (they own and operate), on either side of the ally, in hopes of developing those parcels in a similar way as with the Wingate Project. Plati Niagara Inc. came before the Planning Board in April 2017, when they initially asked for this (remaining) portion of the Alley to be abandoned. That initial request was denied — because this alley was the only access way for adjacent land owners, Ralph and Kathleen Guetta, to access their garage / carriage house.

Mr. Strangio stated that the current project proposal is to erect a seven-story Hotel. The Hotel will be sited on the Rainbow Boulevard side (north side of the alley/block). The current project will also include the construction of three residential/apartment structures on the Buffalo Avenue side (south side of the alley/block). Two residential structures would be apartments for rent. The third would be a mixed-use structure with possible business space on the ground floor within the corner building. This Plan would blend in with the historic feel of the existing neighborhood. To accomplish this plan, they need the City to abandon this portion of the Alley. To accomplish this proposed development, Plati Niagara Inc. is willing to deed over a portion of land to the Guetta's so they could retain full access to their garage / carriage house, with access and egress from Buffalo Avenue instead of the alley.

Mr. Polka asked how wide of an easement are you willing to offer the Guetta's, which Mr. Strangio stated ten feet.

John Bartolomei asked. Mr. DeSantis if this was indeed a Historical District. Mr. DeSantis stated that it was not a "Historical District" but that it does carry the designation as a "Heritage District" under the City's Zoning Ordinance, and as such, while specifically protective of historic resources and architectural context, it does not carry the historic preservation mandates by the US Department of Interior.

Mr. Bartolomei stated that the alley in question is the only access that the Guetta's have to their garage and carriage house (behind). He stated that Mr. Strangio hadn't presented any deal involving the gifting of 10 feet of the property to the Guetta's. He further stated the circumstances have not changed since this request was presented to the Board in 2017. Such an application for abandonment was then and is now illegal.

Mr. Strangio rebutted that a lot had changed. The previous petition was not accompanied by any set development plans or drawings of the lands to either side of the alley, as they do today. Also, the gifting of the land wasn't on the table in 2017. He feels that with a more detailed project proposal and with the transfer of land, this time it is a win-win scenario for all involved.

Mr. Bartolomei spoke to clarify his earlier comment. What he meant is, the laws regarding abandonment have not changed, so this application for abandonment is still illegal.

Mr. Palmer asked Mr. Bartolomei if he and Mr. Strangio were in discussions regarding Mr. Strangio's offer to gift some land to the Guettas. Mr. Bartolomei stated that they were not. Mr. Palmer asked if this is something his client would consider. Mr. Bartolomei stated that he was sure they could discuss this option. However, since The Plati Niagara Inc. proposed project involves residential vacation rental homes, the Guetta's may not be interested in the gifting of any land as they are trying to run a Bed And Breakfast at their residence currently and the Plati Niagara Inc. plan would affect that.

Mr. Strangio spoke to clarify that their proposed project would not involve a Bed and Breakfast or vacation rentals. It is a hotel and the apartment buildings are to be traditional rental housing —only. He also stated that he was unaware that the Guetta's had legal representation until now, for him to arrange a meeting and/or available for negotiations.

Mr. Bartolomei told Mr. Strangio that if he would like to have discussion about his offer that he could contact him.

Mr. DeSantis added that both parties would benefit from having direct dialogue without the Planning Board acting as intermediary. Each party currently owns land that shares the alley in question, both parties should discuss this further and to try to resolve their issues and concerns through a negotiation.

The Chair called the Hearing closed at: 6:21 and reminded the audience that the Board would take up the question at its next scheduled meeting March 13, 2019.

ACTION ITEMS

1. Recommendation to City Council: On the petition to amend the Official Map of the City, specifically the re-classification and/or rezoning of five parcels of real property, with the following addresses: 557, 561, 565, 569, and 571 Third Street, from R3-C Multi-Family Residential to C2-A (Traditional Commercial).

Pending action by City Council, these five parcels and 550 Main Street will be subsequently amalgamated into a single parcel to effect a single redevelopment proposal.

Motion to **Recommend City Council approve the Zoning Map Amendment**, was made by Mr. Polka, and seconded by Mr. MacDougall. No further discussion from the Board on this Item.

POLLED VOTE

Mr. MacDougall	Yes	Mr. Palmer	Yes
Mr. Polka	Yes	Mr. Heuer	Yes
Mr. Dunn	Yes	Approved	Unanimously

2) Recommendation to City Council: Encroachment for Mackinali's Café, located on Old Falls Street. Installation of one fabric Awning, for Mackinali's Café, which shall encroach into City-owned property 36" and will have a height from grade clearance of 96".

Motion to **Recommend City Council approve the encroachment**, as requested, was made by Mr. Polka, and seconded by Mr. Dunn. There was a general discussion of the exact length and height of the awning encroachment. After which, there was no further discussion by the Board on this Item.

POLLED VOTE

Mr. MacDougall	Yes	Mr. Palmer	Yes
Mr. Polka	Yes	Mr. Heuer	Yes
Mr. Dunn	Yes	Approved	Unanimously

3) Recommendation to City Council: Permanent easement of City R-O-W at 304 First Street

USA Niagara Development Corp. (NYS-ESD) is petitioning for a premament easement to allow the erection of a 35 ft. high illuminated sculpture. The easement is part of an Old Falls Street redevelopment project. The redevelopment will convert vacant land on the south east corner at Second and Old Falls Streets. The project will provide for enhanced public space at that site, which will be used for various events and activities throughout the year. The design motif for the reimagined space will mimic and commemorate the former Cataract Theater. Performances will be accommodated there and the "marquee" sculpture will remember what once was. The sculpture is sited partially within the R-O-W.

Mr. DeSantis stated that this is going to be a great addition to Old Falls Street.

Motion to Recommend to City Council was made by Mr. Dunn, and seconded by Mr. MacDougall.

POLLED VOTE

Mr. MacDougall	Yes	Mr. Palmer	Yes
Mr. Polka	Yes	Mr. Heuer	Yes
Mr. Dunn	Yes	Approved	Unanimously

4) Zoning Map Amendment for 665, 671 and 675-71st Street from R1-C (Detached Single Residential) to C3 (General Commercial)

Motion to Remove this **Zoning Map Amendment** item from Table was made by Mr. Dunn, seconded by Mr. Polka. No discussion from the Board on this Item. Unanimously Approved.

Sean Hopkins, of Hopkins Sorgi & Romanowski PLLC, stated that this petition is asking for three parcels of land (120 ft. by 150 ft.) to be rezoned from R1-C to C3. After that last Planning Board meeting Consumers felt the need to hold another Public Informational meeting on 2/23/2019.

Mr. Hopkins stated that the publics main concern seemed to be their vision line of the parking area and retention pond. So they have decided to wrap Board on Board fencing around the pond areas and add more landscaping to block the parking area from the residents as much as possible. They would also consider purchasing trees for the neighbors directly across from the parking area to help block the view as well. The Dumpster will also be enclosed with fencing of some sort and they welcome the neighbor directly across from that areas opinion when that time comes.

Mr. Hopkins stated that this Plan will help eliminate on street parking issues for the neighbors as the customers of the stores will now have ample parking in the lot in front of the store as employees will have the parking in the rear of the store.

Mr. Polka asked if the 71st Street side elevations are available at this point. Mr. Hopkins stated that they were not as they aren't at the stage yet. Once Site Plan comes together, they will have that information and will make it available.

Mr. Polka asked what would be done with the 5ft buffer on the right side of the building. Mr. Hopkins stated that currently green space. As Site plan comes together, and depending on regulations, more landscaping can be added with possibility of awnings for access doors etc. This will all be included in future Site Plans.

Brenda Cicco, of 655-71st Street, voiced her concerns on this application. The history of the area is of a Residential property being purchased and demolition was done. Then parcel turned Commercial but has caused poor parking as some remnants remain. Nothing has been done to rectify this situation. Now this application is asking for three additional properties to be changed from Residential to Commercial. The property has become an eye sore and the concern is will the property be taken care of or will history repeat itself? She welcomes and looks forward to this change as long as things are done properly and maintained.

Marin Amaretti, of 656-71st Street, stated she lived there for 24 years and wants to see this application denied and the parcels left as residential. She feels being left residential will be less traffic, less safety concerns and less parking concerns.

Wayne General, of 672-71st Street, stated he is against this application. He stated the first Site Plan for Consumers was approved already and that they should just continue with that Plan and stop with the Corporate Greed. He feels this application and future Site Plan will promote crime with the back parking lot along with possible prostitution.

Mr. Polka asked Mr. Hopkins what the difference was between the original plan and this new plan. Mr. Hopkins stated that this Plan would allow Consumers and the other business's to stay open during the construction period. This would make the impact on the employee's lessened.

Mr. Polka asked if the parcels could ever be sold in the future and if so would there be set contingencies on them. Mr. Hopkins stated that they would have contingencies for future sales possibilities.

Mr. Polka asked if one-way signage could be added to the second curb cut area on the 71st Street side to prevent traffic build up. Mr. Hopkins stated that that is something that can be considered/discussed once the Site Plan stage is here.

Mrs. Cicco asked if there was any way to eliminate that curb cut altogether on the 71st Street side. Mr. DeSantis suggested to Mr. Hopkins to take this suggestions along with the signage suggestion back for discussion for the Future Site Plan. Mr. DeSantis stated tonight's vote is from the Zoning alone and not the Site Plan.

Motion to Recommend to City Council was made by Mr. Polka, and seconded by Mr. Dunn

POLLED VOTE

Mr. MacDougall	Yes	Mr. Palmer	Yes
Mr. Polka	Yes	Mr. Heuer	Yes
Mr. Dunn	Yes	Approved	Unanimously

NEW BUSINESS - NONE

OLD BUSINESS - NONE

COMMUNICATIONS

1. Second Code Enforcement letter to Santarosa Holdings
2. 1501 College Avenue: DEC letter
3. Board Members were given letter from Mr. John Bartolomei, representing Ralph and Kathleen Guetta (the adjacent property owners).

PLANNING REPORT

ADJOURN

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Dunn. The meeting was duly adjourned at 6:59 P.M.