

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
May 8, 2019**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, May 8, 2019, at 6:00 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

PRESENT:

Tony Palmer
Charles MacDougall
Michael Murphy
Joyce Williams
Timothy Polka
Robert Kazeangin
Peter Heuer
EXCUSED:
Robert Kazeangin

ABSENT:

William Dunn

ALSO:

James Bragg
Michelle Shaughnessy
Thomas DeSantis

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion to Approve the Minutes for the meeting dated 4/24/19 was made Mr. Murphy, and seconded by Mr. MacDougall — **Unanimously Approved.**

PUBLIC HEARING

Rezoning of 8003, 8005, 8007, 8011 and 8101 Buffalo Avenue from R3-A Multi-Family Residential to C1-A. Neighborhood Commercial

Hearing opened at: 6:03

Bob Best were present to explain what their intent for the property is. 24 years ago Mr. Best purchased a Snap-on franchise. The merchandise is currently being stored in his home garage, utility shed and he also rents several storage units, which costs them quite a bit monthly. They would like to use this site to construct a 40 X 120 structure, which will be approximately 48,000sq ft. with 18X6 storefront. This structure would also contact an office space for his personal use and a bathroom. They have been looking for a secure location for the merchandise, and as they live across the river on West Rivershore they felt this was a good fit. Mr. Best explained the materials being used for the project to the Board. Would start by cleaning up of debris and dead trees on the parcels and then start construction, as they would like to be move in there by September 2019. He only intends to remove four living trees on the parcels and leave the rest natural woodlands. He submitted over 40 letters of support from adjacent neighbors to the Board. He stated the only negative feedback he received was what about the bird's natural habitat. He explained that wetland area will remain in tact and he has also purchased birdhouses from the property. He will be using mostly local contractors from the project as he feels he is where he is because of the community.

Mona Hogan of 8080 W. Rivershore Dr. was present to state her concerns. She has lived there for 25 years and wants to know why the present property owner has not been forced to clean the parcels up. Mr. Palmer stated that would not be a Planning Board issue but rather a Code Enforcement issue. Mr. Hogan also stated that she doesn't understand why Mr. Best needs these parcels when there are so

many vacant buildings on Buffalo Avenue as it is. Mr. Best stated that he has approached several of those building's owners and they were not ready to sell at this current time. Mr. Hogan stated that she doesn't want to look out her window and see lights in her eyes or parking lot. Mr. Best showed her the Site plan and explained the parking lot would be in front of the building and also limited lightening in the rear. Also current living tree line would block any possible light.

Mr. Murphy asked where the run off water would go. Mr. Best stated gutters will be tied into sewer drain and he is also installing a catch basin in the parking lot so doesn't end up in the wetlands.

Anthony Rodgers, current owner of the parcels, stated that when he purchased these parcels over 30 years ago, they were zoned Commercial. Then he was notified that the City changed the Zoning to Residential with no notice years back. He has received calls and letters to clean the property up and has done the best that he could to do so. The public is constantly leaving trash and debris and utility companies come and tear the property up and then he cant even mow the lawn. He has had enough and just wants out of this property before he just stops paying taxes on it and lets the City take it. He is selling these parcels to the Mr. Best to better the community and also at a very low cost as he thinks it is a great thing for the community.

Hearing Closed at: 6:27

ACTION ITEMS:

1) Site Plan Review: 8047 W Rivershore Dr. (R1-B)

Proposal by Deb Eckert to construct a eight foot deep by twenty-eight foot residential addition.

Mrs. Eckert explained the addition would be on the North side of the property, the street side. This will be to expand den area, have a area for bedroom if ever one is needed on first floor, move washer and dryer out of the kitchen area and extend/remodel currently kitchen. She notified all neighbors and all have been in support of the project.

- 1) *Environmental Assessment (SEQR):*** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 2, 2019.
- 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) *Setbacks:*** The construction must maintain all required front and side-yard setbacks for the district, and shall not expand the building footprint beyond that indicated on the site plan on file with the Planning Office.
- 5) *Flood Zone:*** The proposed development is not located within the Flood Plain and as such does not require a Floodplain Development Permit.

Motion to Approve Site Plan was made by Mr. MacDougall, and seconded by Mr. Dunn.

POLLED VOTE

Mr. MacDougall	Yes	Ms. Williams	Yes
Mr. Heuer	Yes	Mr. Murphy	Yes
Mr. Palmer	Yes		
Mr. Polka	Yes	Approved Unanimously	

2) Recommendation to City Council: Encroachment of projecting sign into the right-of-way at 2525 Pine Avenue

Proposal by Aarons Inc. to install a sign that would encroach onto City ROW.

Motion to remove Item from Table and place as an Action Item was made by Mr. Polka and seconded by Mr. MacDougall. **Approved Unanimously**.

Jennifer Cooper, a representative from Cooper Sign, stated this is a blade sign, 72 1/2 inch face with 12-inch stand off from the building. It would be mounted on steel poles that go through the building wall to ensure stable. This has been engineered cleared for wind as well. This sign would come out of the building to replace existing pole sign. The existing pole is bent and can no longer be of use.

Mr. DeSantis asked how far over the sidewalk would it be. Ms. Cooper was not 100 percent sure of exact measurement at this time. Mr., DeSantis asked if old pole would be removed. Ms. Cooper states that they had not been contracted to do that.

Mr. Polka stated he feels if approved by the Board then a condition of the existing Pole needs to be removed at grade level.

Motion to Approve Site Plan with condition of existing pole be removed at grade level was made by Mr. Polka, and seconded by Mr. Murphy.

POLLED VOTE

Mr. MacDougall	Yes	Ms. Williams	Yes
Mr. Heuer	Yes	Mr. Murphy	Yes
Mr. Palmer	Yes		
Mr. Polka	Yes	Approved Unanimously	

NEW BUSINESS -NONE

OLD BUSINESS -NONE

COMMUNICATIONS-

Mr. DeSantis handed out the Food Truck Thursday Schedule to the Board members and encouraged them all to spread the word.

He also handed out "Imagining a more Livable Niagara Falls" Brochure. Stated that tomorrow's speaker will be doing short walking tour as well as speaking.

PLANNING REPORT-

The DRI Grant request is in the process of being completed. Should be completed by next week and then submitted the following week or so. Mr. DeSantis stated he feels the City has a good chance of being picked for this \$10,000,000 Grant. He will keep everyone updated on the process as it goes along.

ADJOURN

Motion to adjourn meeting was made by Mr. Polka and seconded by Ms. Williams. The meeting was duly adjourned at 6:47 P.M.