

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
April 21, 2021**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, April 21, 2021, at 6:05 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:**

Tony Palmer  
Timothy Polka  
Charles MacDougall  
Joyce Williams  
Joseph Giaguinto  
Robert Burns

**ALSO:**

Eric Cooper  
James Bragg  
Michelle Shaughnessy

**ABSENT:**

Michael Murphy  
Shurron Cowart

**EXCUSED:**

Joseph Sarkees

**APPROVAL OF AGENDA**

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

**Unanimously Approved.**

**APPROVAL OF MINUTES FROM MEETING HELD FEBRUARY 24<sup>TH</sup> & MARCH 24, 2021**

Mrs. Williams ~~caught a error on~~ requested a correction to the February 24<sup>th</sup> minutes ~~on appointed to represent the appointment~~ of Mr. Polka as Vice President. With this amendment, ~~a~~ ~~M~~ motion to approve was made by Mr. Polka and seconded by Mr. MacDougall.

**Unanimously Approved.**

**AGENDA ITEMS:**

**1. Site Plan Review:831 Valle Drive (R3-A)**

Proposal by Charlene Picard to construct 6' vinyl fence for rear/side of home

Mr. Bragg explained to the Board that Mrs. Picard was unable to attend this meeting due to health issues. This project is in a water~~front~~ overlay ~~district, district, so is not a level 1 so it is here in front of the Board which requires further review from the Planning Board.~~ ~~He~~ He also stated that there is no ~~Flood Plain~~ floodplain issues with this request ~~as it is outside the floodplain.~~ She is requesting approval to replace existing wood fence that was damaged during the past November windstorm. ~~The fence~~ ~~N~~ needs to be replaced as soon as possible for security reason, ~~building code regulations~~, and to keep her dog in the yard. The fence will be professionally installed Davidson 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 (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated April 13, 2021.
- 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) **Screening:** *A 6' vinyl fence shall be constructed on the footprint of the existing fence that encloses the side yard/pool. The fence is not located within a flood zone.*
- 5) **Landscaping:** Requirement is for one tree (1 per 50' frontage or part thereof); existing landscaping shall be accepted as fulfilling this requirement.

Motion to Approve was made by Mr. Polka and seconded by Mr. MacDougall.

**POLLED VOTE:**

Mr. MacDougall	Yes
Mr. Giaquinto	Yes
Mr. Polka	Yes
Ms. Williams	Yes
Mr. Burns	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

2. **Site Plan Review: 8121 W Rivershore (R1-B)**

Proposal by Michael George to construct a 4' chain link fence ~~for rear(waterfront) side of surrounding his~~ home.

Mr. George stated they are installing the fence to protect from people falling into the pool and to keep their dog in the yard and other dogs out of their yard.

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 April 13, 2021.
- 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) **Screening:** The 4' high chain link fence will be 141' on the eastern side of property, 103' along the western side of the property and 67' on the northern side of property.

- 5) **Landscaping:** Requirement is for one tree (1 per 50' frontage or part thereof); existing landscaping shall be accepted as fulfilling this requirement
- 6) **Flood Zone:** The Proposed development is located within the Flood Plain and as such a Floodplain Development Permit Application (#202102) related to this matter was issued on 4/12/2021.

Motion to Recommend to Approve was made by Mr. Giaquinto and seconded by Mr. Burns.

**POLLED VOTE:**

Mr. MacDougall	Yes
Mr. <u>Giaquinto</u>	<u>Yes</u>
Mr. Polka	Yes
Ms. Williams	Yes
Mr. Burns	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

3. **Site Plan Review: 400 47<sup>th</sup> Street (I-2)**

Proposal by Dean Hale, on behalf of Niacet Corporation, to construct new 50' x 70' Pre-engineered metal AHCL Tube Filling Building.

Mr. Hale explained that Niacet is once again expanding. They will be the sole North American Suppliers of this chemical which is used to manufacture wafer chips (used to make computer chips), so requesting approval to erect 50' x 70' x 16'-8" eave height pre-engineered metal building on a finished concrete foundation. They will fill DOT approved Tube Trailers with this material as they pull into this portion of the site. It includes truck scales to weigh in at. This will be located on the South part of the parcel.

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 April 16, 2021.
- 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 1309 of the Codified Ordinances.
- 5) ***Fire Prevention:*** The site must comply with all applicable National Fire Protection Association, State and local fire code and standards.

**6) Landscaping:** The City acknowledge the existing "legacy" environmental conditions of the site that makes tree plantings or landscaping in general challenging and thus the landscaping requirements are waived.

**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.

**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 degree cutoff angle. Any light standard shall not exceed 25' in height. Lighting fixture details and or cut-sheets shall be provided to the Department of Code Enforcement as part of construction drawings.

Motion to Recommend to Approve was made by Mr. Giaquinto and seconded by Mr. Polka.

**POLLED VOTE:**

Mr. MacDougall	Yes
Mr. Giaquinto	Yes
Mr. Polka	Yes
Ms. Williams	Yes
Mr. Burns	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**COMMUNICATIONS**

None

**PLANNING REPORT:**

Mr. Cooper stated that Code Enforcement will be speaking to the owner of ~~the parcel~~ 10158 Niagara Falls Blvd to make sure the parcel is brought up to code with the conditions listed on the Approval for the Bill Board that was approved last year by the Planning Board.

Mr. Cooper stated that he is working on the ~~LWRP~~ocal Waterfront Revitalization Plan with the Department of State and will be implementing change such as downsizing the Parkway etc. He will keep the Board updated as changes and updates become available.

Mr. Cooper also stated the he will be attending a Complete Streets meeting this coming Friday and he will report back to the Board what that meeting contained.

Mr. Cooper also stated that a total of 12 RFP responds were received for the South end Incentive, they are currently under review. Once reviewed the projects will be coming before the Board for review for Site Plan reviews

Mr. Bragg stated that the Town of Niagara ~~provided materials related to a proposal adjacent to the Airport to construct a research facility. The Town had previously~~ failed to send notice to adjacent Towns/Cities/County of the Aviant Project for the Asphalt Plant. Due to that the Approval, it is now being challenged. The Board will be kept updated as the process continues.

**ADJOURN**

Motion to adjourn meeting was made by Mr. MacDougall and seconded by Mr. Polka, The meeting was duly adjourned at 6:36 P.M.