

**Official Meeting Minutes
City of Niagara Falls Planning Board
November 3rd, 2021**

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday November 3rd, 2021 at 6:00PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, NY.

CALL TO ORDER & ROLL CALL:

BOARD MEMBERS PRESENT:

Chairperson Tony Palmer
Joseph Giaquinto
Joyce Williams
Joseph Sarkees
Timothy Polka
Charles MacDougall

STAFF PRESENT:

Eric Cooper, Director of Planning
Grace Celik, Planner 2/HPS
Sarina Deacon, Planning Clerk
Joshua Greene, Environmental Planner
Chris Mazur, Corporation Counsel

BOARD MEMBERS EXCUSED:

Michael Murphy
Shurron Cowart

ATTENDEES PRESENT:

Michael George
Carroll Shultz Reetz
Councilperson Spanbauer
Rick Pfeiffer

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA — FOR THIS MEETING:

A motion to approve the Agenda was made by MR. GIAQUINTO and seconded by MR. POLKA

Motion: UNANIMOUSLY APPROVED

APPROVAL OF MINUTES:

Meeting held on October 20th, 2021

Due to an illness in the office, the item was moved to the next meeting to allow time to draft minutes.

PUBLIC HEARING:

ACTION ITEMS:

1. Zoning Amendment – Set Public Hearing: Resolution of Niagara Falls City Council 2021-34, Relative to amendment of City of Niagara Falls Zoning Ordinance Chapter 1328.13 Short Term Rental Units

CHAIRPERSON PALMER asked if both public hearings would be on the same day? MS. CELIK confirmed that the earliest they could have the public hearings would be on December 8th 2021 due to public notice requirements.

**Official Meeting Minutes
City of Niagara Falls Planning Board
November 3rd, 2021**

Motion to set a public hearing for December 8th, 2021 at 6:00PM was made by MR. GIAQUINTO and seconded by MR. MACDOUGALL

POLLED VOTE

MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Excused
MS. COWART	Absent
MR. POLKA	Yes
MR. SARKEES	Yes
MS. WILLIAMS	Yes
CHAIRMAN PALMER	Yes

2. Zoning Amendment – Set Public Hearing: Resolution of Niagara Falls City Council, Relative to amendment of City of Niagara Falls Zoning Ordinance and Schedule 8: Zoning Map for Regulation of Solar Energy Systems

Several planning board members decided it would be best to have the public hearings back to back.

Motion to set a public hearing for December 8th, 2021 at 7:00PM was made by MS. WILLIAMS and seconded by MR. POLKA.

POLLED VOTE:

MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Excused
MS. COWART	Absent
MR. POLKA	Yes
MR. SARKEES	Yes
MS. WILLIAMS	Yes
CHAIRMAN PALMER	Yes

Motion: Unanimously Approved

3. Site Plan Review - 8121 West Rivershore: Proposed extension of 4' chain link fence construction in Waterfront Overlay District.

Michael George, the owner of the property, explained that he was looking to add an additional 4ft tall, 70ft in length clear chain link fence to an existing fence by his garage. CHAIRPERSON PALMER asked if MR. GEORGE had already started the work and MR. GEORGE said no. MR. GEORGE explained that the work being done near his property was for the dock.

CHAIRPERSON PALMER asked MR. COOPER if any work being done near the water would come to the Planning Board as a Site Plan Review. MR.COOPER said it could be reviewed administratively and

**Official Meeting Minutes
City of Niagara Falls Planning Board
November 3rd, 2021**

did not have to go through the Planning Board. CHAIRPERSON PALMER asked if MR. COOPER had received any information on the dock work by MR. GEORGE's property and MR. COOPER said he had not.

Motion to approve the site plan, subject to the following conditions, was made by MR. GIAQUINTO and seconded by MR. POLKA.

CONDITIONS

1. Environmental Assessment (SEQR): The Department of Planning hereby accepts and adopts the findings of the SEQRA review, finalized and dated 04/13/2021.
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' chain link fence will extend on 70' 6" on the eastern side of the parcel. The proposed fence will be an extension of the existing fence on the southern portion of the parcel.
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 with the Flood Plain and such a Flood Plain Development Permit Application (202102) related to this matter was issued on 04/12/2021.

POLLED VOTE:

MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Excused
MS. COWART	Absent
MR. POLKA	Yes
MR. SARKEES	Yes
MS. WILLIAMS	Yes
CHAIRMAN PALMER	Yes

Motion: Unanimously Approved

OLD BUSINESS:

**Official Meeting Minutes
City of Niagara Falls Planning Board
November 3rd, 2021**

MR.COOPER spoke on the DRI (Downtown Revitalization Initiative) and stated there was nothing new to report with the HCR (Homes and Community Renewal). MR. COOPER stated that he had met with the Department of State on Tuesday, November 2nd to discuss the Main Street Scape Project, the plaza in front of the Public Safety Building and the Freedom Overlook. MR.COOPER stated that the work plan had to be finalized and then employing a consultant for said projects. The projects start time is estimated to be in a few months.

In August 2021, the American Planning Association: Upstate Chapter and the New York Planning Federation held a joint virtual conference. MR. COOPER said he would email the Planning Board members slides from the conference.

NEW BUSINESS:

MR. COOPER introduced Joshua Greene as the new Environmental Planner.

MR. POLKA asked COUNCILPERSON SPANBAUER if ones short term rental permit expires, based on the new zoning ordinance, can one receive a new permit? MR. POLKA explained that it was not clearly stated. COUNCILPERSON SPANBAUER responded by saying it should be allowed.

MR. POLKA asked if the Planning Board could be provided a list of STR outside of the proposed zone. MR. COOPER responded he could try to attain such a list but he would have to go through Code Enforcement.

Caroll Reetz, from the audience, spoke to MR. MAZUR and said that people could not get their STR permits in time because of the moratorium in place. MR. MAZUR responded that the moratorium was reinstated in June 2021 and again in September 2021 until City Council could get the STR law passed and that they felt the moratorium was in the public's best interest.

MR. POLKA asked again if a list could be compiled of people who tried to apply for a STR but couldn't move any further in the process because of the moratorium. MR. COOPER again stated that the Planning Department would work with Code Enforcement to comply a list.

MR. POLKA stated that he did not realized how large the boundary was. MR. MAZUR said the boundary was created after listening to the publics concerns and brought the concerns to the County Planning Board. COUNCILPERSON SPANBAUER spoke from the audience and stated that the boundary line was not set in stone and could be re-configured within a year.

CHAIRPERSON PALMER asked MR.COOPER if the County Planning Board had sent over any notices about when the STR's were on the County Planning Board agenda. MR. COOPER stated that he did not receive any notices. MR. COOPER asked MR. MAZUR if the County Planning Board had sent anything about the STR's to him? MR. MAZUR responded the County Planning Board had sent the agenda prior to the meeting. CHAIRPERSON PALMER said that in the past, he had received the County Planning Board notice of agenda items from the Planning Department. CHAIRPERSON PALMER stated he had no idea that the STR Law was on the County Planning Board agenda.

**Official Meeting Minutes
City of Niagara Falls Planning Board
November 3rd, 2021**

CHAIRPERSON PALMER asked MR. MAZUR why his letter to Corporation Counsel was not sent to the City Council. MR. MAZUR explained that since the item was removed from the agenda and not tabled, the incorrect procedure was followed and the letter could not be submitted. MR. COOPER stated that he did make CHAIRPERSON PALMER aware of the situation before the next September meeting.

PLANNING REPORT / COMMUNICATIONS:

ADJOURNMENT