

**OFFICIAL MINUTES**  
**NIAGARA FALLS PLANNING BOARD**  
**August 19, 2020**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, August 19, 2020, in City Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York. Meeting was called to order at 6:07 PM.

**PRESENT:**

Tony Palmer  
Michael Murphy  
Joyce Williams  
Robert Kazeangin  
Charles MacDougall  
Timothy Polka

**EXCUSED:**

Peter Heuer

**ABSENT:**

Schurron Cowart  
William Dunn

**ALSO:**

Thomas J. DeSantis, AICP  
James Bragg  
Michelle Shaughnessy

**APPROVAL OF AGENDA**

Motion to approve the Agenda was made by Mr. Polka and seconded by Mr. MacDougall.

**Approved Unanimously.**

**APPROVAL OF MINUTES**

Motion to approve Board minutes, dated July 22, 2020, was made by Mr. Polka and Seconded by Mr. MacDougall. No comments or discussion.

**Approved Unanimously**

Motion to approve Board minutes dated, August 5, 2020, was made by Mr. Murphy and Seconded by Mr. Polka. No comments or discussion.

**POLLED VOTE**

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Abstain
Ms. Polka	Yes		
Mr. Palmer	Yes		

**Approved**

**PUBLIC PARTICIPATION:** *On any issue, not already on the agenda for action or discussion.* **NONE.**

**ACTION ITEMS:**

**1. Recommendation to City Council: Disposition of City-owned Real Property located at 927 Center Avenue; SBL# 144.30-2-15; (R3-B)**

Proposal from Christopher Mazur, Corporation Counsel, to sell subject property to the petitioner, and adjacent property owner, Floyd Baldon for the purpose of amalgamation with 925 Center Avenue.

Mr. Palmer asked Christopher Mazur if Mr. Baldon was made aware that this parcel would need to be amalgamated with his existing owned adjacent parcels. Mr. Mazur stated that his office did make him aware of that particular likely requirement.

Mr. Palmer stated that he felt that Mr. Baldon should be present during the Board's discussion and vote to make sure that both the Board and the petitioner understands and agrees with any conditions, that may be made part of the Board's recommendation to City Council —the amalgamation in particular. Mr.

Mazur stated he would have his office reach out to Mr. Baldon and make sure he is present at the next Planning Board meeting being held on September 9, 2020.

Motion to Table this Item until next Planning Board meeting on September 9, 2020 was made by Ms. Williams and seconded by Mr. Kazeangin.

**POLLED VOTE:**

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Ms. Polka	Yes		
Mr. Palmer	Yes		

To place the item on the table, **APPROVED.**

**2. Recommendation to City Council: Adopt (New) Chapter 1328.13 - Short Term Rental (STR) - Zoning Ordinance Amendment**

Motion to remove from the table and place on tonight's agenda, as an action item, a Recommendation to City Council on the proposed zoning amendment, was made by Mr. Polka and seconded by Mr. Murphy.

**POLLED VOTE:**

Mr. Murphy	Yes	Ms. Williams	No
Mr. MacDougall	Yes	Mr. Kazeangin	No
Ms. Polka	Yes	Mr. Palmer	Yes

To remove the item from the table, for a vote, **FAILED.**

Chairman Palmer asked the board members if they were aware that if this item remains tabled, that the item cannot be discussed at tonight's meeting. Also, if this item is not discussed or voted on, the City Council would not be able to take up the matter at its next meeting and might have to extend the moratorium that is expiring in early September.

Mr. Palmer stated that the public present deserves to know why and asked each member to state why they do not want to discuss this item tonight.

Mr. Kazeangin stated he was under the impression that the Planning Department was going to meet with the Administration to discuss improvements/changes of this proposed amendment. He feels it is important for the Planning Department and the Administration to work together on this.

Mr. DeSantis stated that this was tabled at the last meeting in order to compile public comments and concerns into a more formal findings statement and thereby allowing more time for the Planning Board Members to review the findings ahead of tonight's deliberations and vote. A memo that compiled these comments and concerns was drafted and distributed to the Board members for review. This Item was not tabled to be rewritten. He feels the Board has conducted its due diligence and the staff has likewise provided the Board with its findings with respect to the proposed amendment and therefore should take a position, either to recommend adoption or to recommend against adoption at tonight's meeting. The Administration has options that it can take from that point as will City Council, which includes rewriting the proposal altogether.

Mrs. Williams stated that she did not agree with the million-dollar insurance requirement in the proposed amendment but did agree that locating STRs should have more input from the surrounding neighbors.

Mr. Murphy stated that he feels the Board has had ample amount of time to hear from the public and take their concerns into consideration. He feels the Board should proceed with a vote.

Mr. Mazur, Corporation Counsel stated that the Administration was and is well aware of public's comments and concerns. Mr. Mazur wanted to be clear that this Amendment was drafted in good faith with no alternative motives. It not drafted with the intent to single anyone out or with prejudice. Mr. Mazur stated that the Mayor's office indicated to him that there hasn't been any contact made with his office to discuss any mediation of the proposal from the Planning Department. Going forward, the Administration is committed to always act in good faith and it is up to the Planning Board to decide.

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Chairman Palmer again asked the Board, if it still wanted to leave this item on the table or reconsider its previous vote?

Motion to remove from the table and place as Action Item on the Agenda tonight, was made by Mr. Murphy and seconded by Mr. MacDougall.

**POLLED VOTE:**

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Mr. Polka	Yes	Mr. Palmer	Yes

To Remove item from the table, for a vote, **APPROVED.**

Motion to recommend against adoption of the proposed Chapter 1328.13 - Zoning Ordinance Amendment, and forward to Council staff prepared findings in support of this recommendation, was made by Mr. Murphy and seconded by Mr. Polka.

**POLLED VOTE:**

Mr. Murphy	Yes	Ms. Williams	Abstain
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Mr. Polka	Yes	Mr. Palmer	Yes

To Recommend against adoption of the item, **APPROVED.**

**OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

**COMMUNICATIONS: NONE**

**PLANNING REPORT: NONE**

**ADJOURN**

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. MacDougall. The meeting was duly adjourned at 6:39 P.M.