

Item #1

SUBJECT: LETTER OF AWARD - SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS - 2009

The following is the result of bids received on April 20, 2009, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Valeri Concrete Construction, Inc. 6655 Errick Rd. North Tonawanda, NY 14120	\$206,752.00
C&C Contractors	\$223,600.00
Ventry Contracting	\$231,850.00
Campobello Contractors, Inc.	\$255,777.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to both utilize the maximum CHIPS funding available for sidewalks (\$250,000.00), and complete sidewalk replacements for the Niagara Falls Water Authority, in an amount not to exceed \$20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board. Therefore, the City of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Valeri Concrete Construction, Inc., for a grand total of \$270,000.00.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Item #2

**RE: City Council Agenda Item:
\$1,037,000 Homelessness Prevention and Rapid Re-Housing Program Grant**

Council Members:

The City has been notified by HUD that it can expect to receive \$1,037,000 of economic stimulus funds under the Homelessness Prevention and Rapid Re-Housing Program. The program provides assistance to homeless persons and to persons who are at risk of becoming homeless.

The process entails a substantial amendment to the Community Development Consolidated Plan. After funding is received, Council will approve actual allocation of the grant funds to sub-grantees chosen to provide case management services to eligible persons. The City Section 8 Leased Housing Office will provide intake services to determine eligibility. The Leased Housing Office will be able to earn much needed revenues for its administrative services.

Will the Council vote to authorize the Mayor to execute any documents necessary to effectuate the grant?

Item #3

**RE: City Council Agenda Item:
\$200,000 Neighborhood Stabilization Project Grant**

Council Members:

The City has been notified by the NYS Housing Finance Agency that the City has received a \$200,000 Neighborhood Stabilization Project grant of federal economic stimulus funds. The funds are available for demolitions in the South End, and will augment the CDBG and State Finance Law 99-h funds currently budgeted or anticipated for next year for demolitions in that area. We will have a total of \$1 Million to spend on demolition for the South End Demolition and Redevelopment Project over the next two years from the three sources of funds.

Will the Council vote to approve the grant agreement for the NSP grant as set forth herein, and authorize the Mayor to execute any documents and undertake any actions necessary to effectuate the same?

Item #4

SUBJECT: Bid #20-09 Asphalt Melter-Applicator

We respectfully request you award the above referenced bid as follows:

TO: Snowfighting Equipment & Consultants of Buffalo, inc.
PO Box 126 South Side Station
Buffalo, NY 14220-0126

FOR: One (1) trailer mounted asphalt melter-applicator
with compressor and one demand activated diesel
fueled pump:

\$54,586.12

Options to Include:

• Mast Mounted Strobe Light	\$384.08
• Mounted Fire Extinguisher	316.90
• Mounted Tool Box	102.48
• Mounted Spare Tire	273.00
• Sealant Material Gravity Feed Spout	326.04
• 3" Swivel Disk	73.00
• 4" Swivel Disk, ½" tip	103.00
• Squeegee (Two \$58.00 each)	116.00

Total Options:

1,694.50

GRAND TOTAL:

\$56,280.62

The City Purchasing Agent certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to three (3) companies. The above referenced company submitted the only bid.

Item #5

RE: Niagara Arts and Cultural Center

Council Members:

The Niagara Arts and Cultural Center, a not-for-profit 501(C)(3) organization, is submitting a grant application in the amount of \$64,000 to the New York Main Street Program (NYMS) entitled “The Grand Theater and Streetscape Upgrade.” The NYMS grant program provides funds from the New York State Housing Trust Corporation (HTFC) to business improvement districts and other not-for-profit organizations that are committed to revitalizing historic downtowns, mixed-use neighborhood commercial districts, and village centers. The NYMS grant program is a “bricks and mortar” program that provides funding for building renovations, facades and streetscape improvements and, in limited cases, capital funding projects intended to anchor downtown districts.

This application does not require financial contribution from the City.

Will the City Council support the execution and submission of this grant application?

Item #6

RE: Memorial Day Parade

Council Members:

A proposal has been submitted by the American Legion Post 381 Memorial Day Parade Committee chaired by Cyndi Stonebraker. She proposes to coordinate the 2009 Memorial Day parade observance and has requested City funding in the amount of \$5,000. Funding for this is available through tourism fund balance. This request is subject to submission by the Committee of a budget in form and substance satisfactory to the Corporation Counsel.

Will the Council so approve?

Item #7

RE: Niagara Rises

Council Members:

Niagara Rises has requested \$6,000 in funding to help support its Niagara Homecoming Program on June 25th, June 26th, June 27th and June 28th of 2009. The activities include a kick-off reception, job fair, art show at the NACC, a Niagara Tour Extravaganza, Lewiston Garden Walk and Niagara Power Baseball Game, to name a few. This will be in connection with the Positively Main Street celebration to be held concurrently on June 27th and June 28th, 2009.

Funding for this will come from Tourism Fund Balance.

Will the Council so approve?

Item #8

RE: Emergency Sewer Repair

Council Members:

Emergency sewer repairs were required to be performed to a City-owned sanitary sewer lateral located at 35th Street and Pine Avenue. The total cost for labor and materials to do this necessary repair totaled \$13,200. Funding for this emergency repair is available in the Mayor's Contingency Fund (A.1990.7630.0449.599).

Will the Council so approve?

Item #9

RE: Hyde Park Fencing

Council Members:

Portions of the fence near the baseball diamonds and golf course at Hyde Park is deteriorated and in need of repair. Specifically, fencing is needed near baseball diamonds 1, 2, 3 and 7 at an estimated cost of \$75,000, and golf course fencing is needed in certain areas in order to protect adjacent houses at an estimated cost of \$50,000. The total amount for both projects is estimated to be \$125,000. Funding is available through Casino Funds.

Will the Council so approve?

Item #10

RE: Energy Services Program with the Power Authority of the State of New York

Council Members:

The New York Power Authority provides an Energy Services Program which includes the review of City facilities and preparation of facility audits and feasibility reports for the installation of energy conservation and/or energy saving changes to City facilities. The financing for the construction and/or installation of these changes can also be provided by the Authority.

Attached is a proposed Agreement between the City and the New York Power Authority for this program.

Will the council so approve and authorize the Mayor to execute same?

Item #11

RE: Request for Approval to Settle and Pay Claim of Stephen Klaczyk
8521 Porter Road, Apt. 7A, Niagara Falls, NY

Council Members:

Date Claim Filed:	February 19, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 23, 2009
Location:	Pine Avenue and 22 nd Street
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Police Officer Benjamin Gornbein
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,436.13
Make Check Payable to:	Stephen Klaczyk
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Item #12

RE: Request for Approval to Settle and Pay Claim of Patricia Schmitz
3350 D Street, Niagara Falls, NY 14303

Council Members:

Date Claim Filed:	February 10, 2009
Date Action Commenced:	N/A
Date of Occurrence:	January 28, 2009
Location:	Alley behind 3350 D Street, Niagara Falls, New York.
Nature of Claim:	Fence damage sustained in an accident with City vehicle.
City Driver:	William J. Whitmire
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$385.00
Make Check Payable to:	Patricia Schmitz
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Item #13

*RE: Request for Approval to Settle and Pay Claim of Rhiannon Kephart
3009 Norman Street, Niagara Falls, NY 14305*

Council Members:

Date Claim Filed:	February 10, 2005
Date Action Commenced:	March 24, 2006
Date of Occurrence:	January 20, 2005
Location:	2470 Niagara Avenue, Niagara Falls, NY
Nature of Claim:	Personal injuries sustained during ERT raid
Status of Action:	In suit, pending trial.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$625,000.00
Make Checks Payable to:	\$250,000.00 to PASSCorp. \$375,000.00 to Rhiannon Kephart and The Ballow Law Firm, P.C.
Conditions:	General Release to City, approved by Corporation Counsel. The Corporation Counsel shall be authorized to execute any and all settlement documents relative to this matter.

It is the recommendation of this Department that the above action be paid under the terms set forth above. Will the Council so approve?

Item #14

NIAGARA FALLS PLANNING BOARD

APPROVAL OF REFFERAL TO CITY COUNCIL
DRAFT Zoning Ordinance

Pursuant to action taken by the Niagara Falls Planning Board on the 22nd day of April 2009, this referral is hereby granted.

NAME OF OWNER: *N/A*

ADDRESS OF ACTION: *City-wide*

PURPOSE: *See attached resolution*

DATE: April 22, 2009

Richard Smith, Chairman
Planning Board

Niagara Falls

NIAGARA FALLS PLANNING BOARD

APPROVAL OF REFFERAL TO CITY COUNCIL
DRAFT Generic Environmental Impact Statement

Pursuant to action taken by the Niagara Falls Planning Board on the 22nd day of April 2009, this referral is hereby granted.

NAME OF OWNER: *N/A*

ADDRESS OF ACTION: *City-wide*

PURPOSE: *See attached resolution*

DATE: April 22, 2009

Richard Smith, Chairman
Planning Board

Niagara Falls

NIAGARA FALLS PLANNING BOARD

APPROVAL OF REFFERAL TO CITY COUNCIL
DRAFT Comprehensive Plan

Pursuant to action taken by the Niagara Falls Planning Board on the 22nd day of April 2009, this referral is hereby granted.

NAME OF OWNER: *N/A*

ADDRESS OF ACTION: *City-wide*

PURPOSE: *See attached resolution*

DATE: April 22, 2009

Richard Smith, Chairman
Planning Board

Niagara Falls

RESOLUTION 2009

RESOLUTION RELATIVE TO THE AMENDMENT OF THE
OFFICIAL ZONING MAP IN SECTION 1306.04
OF THE CODIFIED ORDINANCES

By: Council Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property;
and

WHEREAS, the Planning Board held a public hearing on such request and has voted to
recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New
York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the
Codified Ordinances, is hereby amended to change the property located at 561 Portage Road, Niagara
Falls, New York (SBL #159.06-1-4), from its current classification district of Multi-family Residential
(R-3) to Neighborhood Commercial (C-1).

RESOLUTION 2009

RESOLUTION RELATIVE TO THE AMENDMENT OF THE
OFFICIAL ZONING MAP IN SECTION 1306.04
OF THE CODIFIED ORDINANCES

By: Council Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property;
and

WHEREAS, the Planning Board held a public hearing on such request and has voted to
recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New
York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the
Codified Ordinances, is hereby amended to change the property located at 520 Hyde Park Boulevard,
Niagara Falls, New York (SBL #159.27-2-31), from its current classification district of Public Space (PS)
to Neighborhood Commercial (C-1).

RESOLUTION 2009

RESOLUTION RELATIVE TO THE AMENDMENT OF THE
OFFICIAL ZONING MAP IN SECTION 1306.04
OF THE CODIFIED ORDINANCES

By: Council Member Steve Fournier

WHEREAS, the Niagara Falls Planning Board has received a request to rezone certain property;
and

WHEREAS, the Planning Board held a public hearing on such request and has voted to
recommend this change to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New
York that the boundaries shown on the City's Zoning Map adopted pursuant to Section 1306.04 of the
Codified Ordinances, is hereby amended to change the property located at 555 39th Street, Niagara Falls,
New York (SBL #160.05-1-13), from its current classification district of Heavy Commercial (C-3) to
Neighborhood Commercial (C-1).

RESOLUTION 2009- ____

RESOLUTION CONCERNING NOTICE OF COMPLETION OF DGEIS AND JOINT PUBLIC HEARING TO CONSIDER 2009 PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN AND ZONING ORDINANCE

By: Council Chairman Chris Robins

WHEREAS, by resolution dated February 27, 2007, the Planning Board of the City of Niagara Falls determined that adoption of certain 2007 amendments to the City of Niagara Comprehensive Plan and Zoning Ordinance ("Proposed Amendments") is necessary and appropriate to promote greater social and economic opportunity and enhanced quality of life in the City and to guide the physical revitalization of City neighborhoods and other community districts; and

WHEREAS, the Proposed Amendments are the culmination of a widely publicized and open planning process dating back until at least the spring of 2003; and

WHEREAS, the proposed Zoning Amendments represent the first comprehensive upgrade to this critical element of our City Code for half a century; and

WHEREAS, the Planning Board subsequently made additional changes to the Proposed Amendments designed to address concerns expressed by the public and interested agencies, to clarify the documents, to further the purposes and intent of the Comprehensive Plan, and to enhance consistency of the proposed zoning changes with applicable enabling legislation and other legal and procedural requirements; and

WHEREAS, the aforementioned changes were embodied in a draft 2008 Comprehensive Plan and draft Zoning Ordinance dated October 11, 2008, which changes were the subject of a duly noticed Planning Board public hearing on November 5, 2008; and

WHEREAS, by resolution dated November 12, 2008, the Planning Board thereafter recommended that the City Council adopt the Proposed Amendments as revised in 2008; and

WHEREAS, in response to the Planning Board's November 12, 2008 recommendation, the City Council requested that the Planning Board further revise the Proposed Amendments in certain respects including, in particular, adjustments to the proposed building height restrictions in the downtown districts to further facilitate economic development in a manner that is consistent with the purposes and intent of the proposed Comprehensive Plan; and

WHEREAS, by resolution dated April 22, 2009, the Planning Board recommended that the City Council accept certain proposed additional changes to the proposed Zoning Amendments which are designed to address concerns raised by of the City Council, and certain other minor amendments, as specified below:

Zoning Code § 1301.8(D) - replaces the term "Senior Planner" with "Director of Planning";

Zoning Code §§ 1302.4(c); 1324.3; 1324.4(table);1324.4.1; 1324.4.1(A); 1324.4.1(A)(3); 1324.1(B)(2); 1324.1(C)(1); 1324.1(C)(2); 1324.1(C)(3); 1324.4.2(B)(3); 1324.4.2(C)(1); 1324.4.2(C)(1)(b); 1324.4.2(C)(1)(c); and 1324.9 - replaces the term "Senior Planner" with "Director of Planning or his designee"

Zoning Code §§ 1301.10(E)(2)(c) and 1301.10(E)(4)(b) - these sections have been deleted, pending further legislative action necessary for the creation of property liens for unsatisfied adjudicated monetary penalties for zoning code violations and for the cost of removing zoning code violations.

Zoning Code § 1303.2.3(C) and Schedule 1 - provides a new definition of "Contractor's Yard."

Zoning Code § 1312.4(A) - clarifies the text regarding permitted commercial uses.

Zoning Code § 1314.3 (Bulk and Density Standards Table) - changes the base building height allowances in D1 districts.

Zoning Code § 1314.4.1 - includes a revised building height bonus system which enables developers to exceed the new base height allowances in the D1 district in exchange for providing various public amenities, including public plazas and parks, structured parking, improved retail / commercial design and streetscape elements, which bonuses are subject to building height caps of 608 ft (D1-A), 304 ft (D1-B) and 152 ft (D1-C), as well as square footage limitations for floors at specified elevations.

Zoning Code § 1319.3 - renumbered as 1319.2.1

Zoning Code § 1319.2.4 - conformed to new building height bonus system in § 1314.4.1.

Zoning Code § 1322.6(A) - now requires landscape buffer between industrial /commercial districts and both residential and open space districts.

Zoning Code Schedule 1 - deletes Motor Vehicle Repair from Institutional District and adds Heavy Manufacturing to I2 District (both errors).

Zoning Code Schedule 7 - reflects revised information concerning County, State and Federal Roads.

Zoning Code Schedule 8 - Changes Niagara Arts & Cultural Center to C2-B and South Junior School, Public Safety Building and 39th St. School to R3-C (for consistency with City economic development policy initiatives).

WHEREAS, the Comprehensive Plan has also been revised in minor respects unrelated to the Zoning Amendments, in that Part III, Section 3 ("Institutional Strengthening") has been deleted because it predates the creation of the City Department of Planning & Economic Development and therefore is no longer applicable.

WHEREAS, the City has caused to be prepared a Draft Generic Environmental Impact Statement (DGEIS) for the Proposed Amendments which indicates that the Proposed Amendments present the potential for significant adverse and beneficial environmental impacts, including potential impacts on land use and zoning, community character, demographics, community economics, transportation, natural resources and air quality; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. As the agency principally responsible for adopting the Proposed Amendments, the City Council hereby declares itself lead agency for purposes of compliance with SEQRA; and
2. The City Council hereby determines that, based upon the nature and scope of the Proposed Amendments, adoption of the Proposed Amendments constitutes a "Type I" action under SEQRA; and
3. The City Council has further determined that, because the Proposed Amendments present the potential for one or more significant environmental impacts as specified in the DGEIS, the City Council hereby issues a SEQRA Positive Declaration, confirming the City Council's determination that preparation of a DGEIS for the proposed amendments is necessary and appropriate, and that public scoping of the DGEIS is unnecessary in light of the significant public participation that has occurred to date; and
4. The City Council has reviewed the DGEIS for the Proposed Amendments and has determined that it is complete for purposes of SEQRA, and therefore directs that the attached Notice of Completion of DGEIS and Notice of Joint Public Hearing on June 1, 2009 at 7:00pm be duly published and distributed as specified therein for purposes of receiving further public comments with respect to the Proposed Amendments and to fulfill the requirements of SEQRA, General City Law § 28-a(7) and City of Niagara Falls Zoning Code § 1308.06.

**State Environmental Quality Review Act
Notice of Completion of Draft Generic Environmental Impact Statement and Notice
of Joint Public Hearing**

Lead Agency: City of Niagara Falls City Council

Address: City Hall
745 Main Street
PO Box 69
Niagara Falls, NY 14302-0069

Date: May 5, 2009

This notice is issued pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, Section 28-a(7) of the General City Law and Section 1308 of the City of Niagara Falls Zoning Ordinance.

The City of Niagara Falls City Council, as lead agency, has determined that the Draft Generic Environmental Impact Statement ("DGEIS") dated April 15, 2009 pertaining to the action described below is complete with respect to all applicable SEQRA regulations. Written comments on the DGEIS are requested and will be accepted by the contact person listed below by mail or in person until the close of business on Thursday, June 11, 2009.

The City of Niagara Falls City Council and the City of Niagara Falls Planning Board will conduct a joint public hearing to receive oral and written comments on the proposed action described below and on the DGEIS on Monday, June 1, 2009 at 7:00 PM at the COUNCIL CHAMBERS, CITY HALL, 745 MAIN STREET, CITY OF NIAGARA FALLS, NEW YORK.

Name of Action: Proposed Comprehensive Plan and Zoning Ordinance Amendments.

SEQRA Classification: Type I

Description / Location of Action:

The action involves a recommendation by the Planning Board to the City Council for adoption of a new Comprehensive Plan (the "Plan") and proposed amendments to the City of Niagara Falls Zoning Ordinance ("Zoning Amendments") designed to implement the Comprehensive Plan. The proposed Plan is based upon citizen participation in an open planning process dating back until at least 2003. The general intent of the Plan is to guide the physical revitalization of City of Niagara Falls neighborhoods and districts and to foster economic development within the City.

Part I of the Plan discusses the City's current urban and economic context and the challenges, opportunities and major economic drivers for the City. Part II of the Plan identifies specific planning policies with respect to land use, historic resources, built environment, environmental and open space resources, transportation, economic development and tourism, housing, brownfield / greyfield development and waterfront development. The Plan also sets forth strategies for urban revitalization and recommends specific renewal programs and "catalyst projects" designed to strengthen the City. In addition, Part II of the Plan calls for enhanced tourism amenities such as way-finding and signage strategies, visitor orientation centers, parking and shuttle systems, Rainbow Bridge Plaza Improvements and "pedestrian priority zones." Part III of the Plan outlines key policy changes and institutional improvements necessary to implement the plan. The recommendations include, among other things, a comprehensive revision of the City's existing zoning code.

Pursuant to the proposed Plan, the proposed Zoning Amendments are intended to harmonize City zoning regulations with historic development patterns within the city's residential areas and establish new opportunities for growth and enhancement in core commercial areas. The Zoning Amendments include new and revised zoning and overlay districts. While the City's 14 existing zoning districts are redistributed into 25 districts which are intended to be more closely tailored to the character of the City areas covered, the overall proportion of district classes do not change significantly and few properties undergo a change in zoning classification. The Zoning Amendments also include new and revised zoning district regulations including, among other things, revised bulk, density, setback, building height, parking and other requirements in certain districts of the City. The Zoning Amendments also include changes to zoning enforcement and administration provisions including, among other things, streamlined procedures for site plan approval.

The proposed Zoning Amendments have been the subject of previous Planning Board public hearings, most recently on November 5, 2008. Since that time, the proposed Zoning Amendments have been further revised in various respects including, most notably, a modified building height bonus system for the D1 district tied to the provision of specified public amenities, and subject to both building height caps and square footage limitations for floors at specified elevations. A more detailed summary of recent changes to the Zoning Amendments are summarized in the City Council resolution dated May 4, 2009.

Availability of Documents:

A copy of the DGEIS, the proposed Plan and Zoning Amendments, and the City Council's May 4, 2009 resolution will be made available for public review and copying during normal business hours (M– F, 8:00 am – 4:00 pm) at the office of Carol Antonucci, Niagara Falls City Clerk, 745 Main Street, Room 114, Niagara Falls NY 14301, (716) 286-4393.

Contact Person For Written Comments on DGEIS: Thomas J. DeSantis, AICP, Senior Planner,
Offices of Planning / Environmental Services, City Hall, 745 Main Street
P.O. Box 69, Niagara Falls, NY 14302-0069, (716) 286-4477.

A copy of this Notice and the DGEIS, along with the City Council's May 4, 2009 Resolution, will be sent to and filed with Mayor Paul Dyster, Chris Robins, City Council Chairman and other involved agencies as appropriate under SEQRA.

A copy of this Notice or relevant portions thereof will also be published in the Environmental Notice Bulletin in accordance with the SEQRA regulations at 6 N.Y.C.R.R. § 617.12(c).