

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
MAY 24, 2017**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, May 24, 2017, at 6:01PM, in NF City Council Chambers, City Hall, 745-Main Street, Niagara Falls, New York.

**PRESENT:** Willie Dunn  
Tim Polka  
Earl Smeal  
Joyce Williams  
Richard Smith  
Charles MacDougall  
Michael Murphy  
Tony Palmer

**ABSENT:** Robert Kazeangin (excused)

**ALSO:** Thomas DeSantis, AICP  
James Bragg  
Michelle Shaughnessy

**APPROVAL OF AGENDA**

✓ Motion to approve the Agenda was made by Mr. Smeal and seconded by Mr. Smith. Unanimously approved.

**APPROVAL OF MINUTES**

- ✓ Minutes for meeting held April 12<sup>th</sup>, 2017 had the following errors on them:
1. Decision to Deny action item 2 was marked as a **NO** and should have been a **YES**.
  2. It was Mr. Smeal who asked about the height of the Sign not Mr. Polka in action Item 1.
- ✓ Motion to Amend April 12<sup>th</sup>, 2017 Minutes with the identified errors corrected, and to approve was made by Mr. Smith and seconded by Mr. Polka. Unanimously approved.
- ✓ Minutes for meeting held May 10<sup>th</sup>, 2017 had the following errors on them:
1. The First name of Mr. Santarosa is Aaron not Tim and Mr. Murphy raised the question on noise level not Mr. Polka on Action Item 3.
  2. Mr. DiCienzo's name was misspelled in the Planning Report section.
- ✓ Motion to Amend and Approve May 10<sup>th</sup>, 2017 Minutes with these changes was made by Mr. Smith and seconded by Mr. Polka. Unanimously approved.

**PUBLIC PARTICIPATION**

✓ None

**ACTION ITEMS:**

1. **Site Plan Review: 8665 Rivershore Drive (R1-B)**  
Proposal by Karen LaGreca to replace and install a 4 foot fence and gate on property.

Ms. LaGreca explained that she wanted to replace existing chain link fencing that already exists on the east side of her property, with same fencing that exists on the south and other half of the east side. Also place white 6 foot vinyl fencing with two 4 foot gates on east/north side of property.

Mr. Bragg made sure the Board was aware she had the approval of both her adjacent neighbors.

Mr. Palmer asked Ms. LaGreca if he read the conditions and agrees with them. Mr. Churder stated he is in agreement with the conditions.

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 5/18/2017.
2. **Compliance:** Comply with all applicable State and local building, safety, and health codes in particular those specifically identified in condition number 5. 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:** Fence to be located between house and garage shall be a picket fence made up of a vinyl material. 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 Site plan with attached conditions was made by Mr. Smeal and seconded by Mr. Smith.

**POLLED VOTE**

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<i>(Unanimously approved)</i>

**2. Site Plan Review: 333 Rainbow Blvd (D1-C)**

Proposal by Niagara Restaurant Concepts, Inc. (d/b/a Twisted Olives) to establish an outdoor patio on private property along Rainbow Boulevard and 4<sup>th</sup> Street.

Mr. LaGambina stated patio will measure 1023 sq. ft in front of establishment and 490 sq. ft. on the bar side. Fencing is removable, nothing permanent, and it will be taken down during winter months.

Mr. DeSantis asked if there would be tables with umbrellas outside. Mr. LaGambina stated yes, approximately nine outdoor tables.

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 May 5th .2017.
- 2) **Compliance:** Comply with all applicable State and local building, safety, and health codes. In particular, the applicant is responsible to ensure all individual vendors are in compliance with all applicable health and safety regulations. 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) **Storage:** Outside storage of materials/equipment shall be maintained clutter free, secure and screened, as necessary. All outdoor dining furniture, including tables, chairs, umbrellas and planters in patio shall be indoors when not in use.
- 5) **Public Utilities:** Patio shall not block access to Fire Department connections, sewers, water works, gas valves or doors.
- 6) **Right-of-Way:** Patio will not be expanded to encroach into the city right of way.
- 7) **Railing:** Patio shall be marked off by means of decorative removable "patio fence lattice" railing: the height of the railing shall not exceed 30 inches.
- 8) **Advertising/Signage:** Advertising shall not be placed or hung from the patio railing. All signage shall be regulated by Chapter 1121.
- 9) **Public Noise:** The use or operation of any sound production devices in such a manner as to disturb the peace is prohibited. Applicant shall follow the Public Noise Ordinance in that there is to be no sound production or reproduction devices between the hours of 10:00 P.M. and 7:00 A.M.

✓ Motion to Approve Site Plan with conditions was made by Mr. Murphy and seconded by Mr. Dunn.

**POLLED VOTE:**

Mr. Dunn	Yes
Mr. McDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Smith	Yes
Mr. Palmer	Yes
<b>APPROVED</b>	<i>(Unanimously approved)</i>

**3. Set Public Hearing Date: 360 Rainbow Blvd (D1-C)**

Mr. Grenga stated he acquired the property in 2010, since which all code issues, partner litigation, and back taxes have all been taken care of. Developer has several other local projects such as old Sam's club and Old Niagara Airbase.

Mr. DeSantis told Mr. Grenga to amend his Site Plan of any changes as soon as possible so process can be started. Mr. Grenga agreed to do so.

Mr. DeSantis stated that this Public Hearing would be held at the next Planning Board meeting set for June 14th, 2017.

✓ Public Hearing Date for June 14<sup>th</sup> 2017 was unanimously approved.

**NEW BUSINESS**

**OLD BUSINESS**

**COMMUNICATIONS-**

- ✓ Letter was handed to all Board Members that Covanta Rail Turnaround time has been extended from 24 hours to 48 hours when needed. This was just to keep Board Members notified of the change.
- ✓ James Bragg handed out information explaining why a Public Hearing must be held for 360 Rainbow Blvd even if the proposal lacks clarity at this stage gave a hand out to all Board Members.

**PLANNING REPORT**

- ✓ Mr. DeSantis stated that currently the city has 6 CFA applications out, also looking into submitting for DRI's.
- ✓ The ESD on 7th got numerous applicants at this time that are qualified. They have conducted interviews and a decision of who is being chosen should be made by next week.

**ADJOURN**

- ✓ Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Dunn. The meeting was duly adjourned at 6:25 P.M.