

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
February 7, 2018**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, February 7, 2018, at 6:04 PM, in Council Chambers, City Hall, 745-Main Street, Niagara Falls, New York.

PRESENT:

Robert Kazeangin
Richard Smith
Tony Palmer
Timothy Polka
Charles MacDougall
Willie Dunn

ALSO:

James Bragg
Michelle Shaughnessy
Thomas DeSantis

EXCUSED:

Michael Murphy

ABSENT:

Joyce Williams

APPROVAL OF AGENDA

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

Unanimously Approved.

APPROVAL OF MINUTES

Motion to Approve the Minutes for the meeting dated 1/24/18, with correction of Mr. DeSantis being in Attendance was made by Mr. Smith, and seconded by Mr. Kazeangin. **Unanimously Approved.**

ACTION ITEMS

1) Set Public Hearing Date: Abandon Portion of Alley behind 3316 Hyde Park Boulevard

Craig Johnson, Law Department, has cleared, for Public Hearing, this request to abandon a portion of the public alley behind 3316 Hyde Park Boulevard by the owner,

Mr. Polka stated that there was no information as to why portion of this Alley is being asked to be abandoned. Mr. Smith stated that he also would like further information as to why this is being requested and would like to know what if any stipulations exist for the partial abandonment of a public r-o-w, which this seems to be. Mr. DeSantis stated staff would obtain that information and forward to the Board members prior to the Public Hearing date.

Mr. DeSantis suggested having the Public Hearing on March 7, 2018. This would allow enough time to gather the additional information requested by the Board, and to notify adjacent property owners and publish notice in the newspaper.

Motion to Set Public Hearing Date for March 7th, 2018 was made by Mr. Polka, and seconded by Mr. Smith.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Dunn	Yes
Mr. Smith	Yes
Mr. MacDougall	Yes
Mr. Polka	Yes
Mr. Palmer	Yes
Approved	Unanimously

2) Site Plan Review: 2201 Pine Avenue (C2-B)

Proposal by Robert Brenner, Esq. of Nixon Peabody, as agent for Bell Atlantic Mobile Systems of Allentown, Inc., d/b/a Verizon Wireless to construct and operate a micro cell wireless telecommunications facility on an existing building.

Mr. Bragg stated that Mr. Brenner had phoned him prior to this meeting. Due to the weather (that evening) he was unable to attend but is asking the Board to still consider the item and to vote on the item.

Mr. DeSantis stated this is a small cell tower and the City has approved several similar installations for Bell Atlantic Mobile Systems in the past. Staff has reviewed the application and it is consistent with the special permit regulations for telecommunication facilities such as this. Therefore, staff is recommending that the Board consider the item and voting on this request despite Mr. Brenner’s absence. The Board agreed that this request is straightforward and that they would proceed to a vote.

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 SEQR review, finalized and dated 1/22/2018.
- 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) **Bond:** Bond must be supplied prior to building permit issuance in an amount not less than \$5,000 or as may be otherwise determined appropriate by Corporation Counsel’s Office.

Motion to Approved Site Plan was made by Mr. Smith, and seconded by Mr. Polka.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Dunn	Yes
Mr. Smith	Yes
Mr. MacDougall	Yes
Mr. Polka	Yes
Mr. Palmer	Yes
Approved	Unanimously

3) Site Plan Review: 2026 & 2032 Pine Avenue (C2-B)

Proposal by James Fittante, Fittante Architecture PC, as agent for owner Abdo Alhalemi to construct a 2,750 sq. ft. addition to the existing store/mini-plaza.

Mr. Fittante explained that the owner is planning to demolish two existing garages and amalgamate the adjacent parcels so as to accommodate a 2,750 sq. ft. expansion/addition to the existing commercial building. This will allow for more showroom space and also additional in-house storage

space for the business. The exterior brick will be matched for the façade and the rest of the structure will be CMU, all to match the existing.

Mr. Kazeangin asked if this new addition will go all the way back to the rear property line / alleyway. Mr. Fittante stated existing building is slightly over the legal property line, however this addition will not, rather it will meet code.

Mr. Polka stated garbage is a concern on these types of projects. And as this is becoming more of an issue with the change of more and more businesses turning to the use of totes instead of commercial dumpsters, he would like Director of Public Works John Caso to attend a Planning Board Meeting to discuss this situation in the near future.

With respect to this project, Mr. Polka would like to know where the garbage totes are to be housed? Mr. Fittante stated that there is room between the buildings for approximately 8-10 totes. Mr. Fittante stated that they could add a barricade of some sort in this area to hide the totes, if the Board would like. Mr. Polka stated that would work well if it is enclosed or a gated area was created and added to the plan.

Mr. DeSantis suggested adding this as another condition of approval—that a garbage / tote storage area be added as Condition #11, this suggestion was generally agreed to by the Board.

Mr. DeSantis asked Mr. Fittante what the landscape plans included besides what was required in the conditions. Mr. Fittante stated they would like to add some sort of concrete box-planter on the corner of Pine and 22nd Street. Mr. DeSantis suggested that perhaps using landscape timbers to create raised beds at the edges instead. Mr. Fittante agreed. Mr. DeSantis will add this into condition #5.

Mr. Smith asked for clarification on the square footage of the addition. The Short Form SEQR states 2,750 SF but the supporting paperwork states 2,500 SF. Mr. Fittante clarified the correct amount is 2,750 SF.

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 February 2, 2018
- 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 1121 of the Codified Ordinances
- 5) **Landscaping:** Requirement is for five (5) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof). And a 5' wide landscaping strip along the perimeter of the parking area. In lieu of the required tree planting and given the developed nature of the site, raised landscape beds, made from landscape timbers or similar materials be permanently constructed according to the planting locations on the site plan and that shrubs and/or similarly appropriate plantings shall be accepted. A planting schedule shall be provided to the Planning Office and made part of the site plan in fulfillment of this requirement. Other planted or landscaped areas, that are contiguous to the parking lot, should also be delineated by a "raised-curb" or similar devices.

- 6) **Parking:** Handicapped parking spaces shall be marked and signed in accordance with NYS requirements. Minimum parking space dimensions shall not be less than 9' x 18' per space.
- 7) **Lighting:** All exterior site lighting, including all wall packs, shall be angled downward only and directed 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° cutoff angle. Any light standard shall not exceed 25' in height. Lighting details shall be provided as part of construction drawings for review and approval.
- 8) **Right-of-Way:** At Owner's expense, sidewalks shall be maintained in good condition (or re-constructed, as necessary) along Pine Avenue and 22nd Street.
- 9) **Lot/Boundary lines:** Prior to filing for a building permit, the proposed site consisting of 2026 Pine Avenue (SBL# 144.81-3-59) and 2032 Pine Avenue (SBL# 144.81-3-57) shall be legally amalgamated into a single lot/SBL number, pursuant to appropriate subdivision regulations.
- 10) **Bond:** A performance bond, or equivalent, in the amount of \$5,000 shall be submitted to the Legal Department in accordance with Section 1301.10 and 1324.7 of the Zoning Ordinance prior to the issuance of any building permits.
- 11) **Garbage:** The owner shall create a garbage-tote storage area between the existing front building and the new addition along the west property line. Further, this garbage-tote storage area shall be enclosed and screened from view to the extent practical. Garbage storage, in totes or otherwise, shall not be outside of an enclosed area.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Dunn	Yes
Mr. Smith	Yes
Mr. MacDougall	Yes
Mr. Polka	Yes
Mr. Palmer	Yes
Approved	Unanimously

NEW BUSINESS: None

OLD BUSINESS: None

COMMUNICATIONS: None

PLANNING REPORT

Mr. DeSantis asked the Board to give any suggestions on properties that they are aware of that have not followed through with what their Site Plans suggested. Seth Piccirillo will be looking into these properties for their failure to comply.

Mr. Smith suggested One Niagara and Santarosa locations.

Mr. Polka suggested the Econo Lodge, as they never replaced the sidewalk as their Site Plan suggested they would.

ADJOURN

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Smith. The meeting was duly adjourned at 6:42 P.M.