

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
JUNE 19TH, 2019**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, June 19th, 2019, at 6:01 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

PRESENT:

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

ABSENT:

Peter Heuer

ALSO:

Thomas DeSantis
James Bragg
Michelle Shaughnessy

APPROVAL OF AGENDA

A motion to approve the Agenda was made by Mr. Polka, and seconded by Mr. Dunn
Unanimously Approved.

APPROVAL OF MINUTES

Motion to Approve the Minutes for the meeting dated 6/5/19 was made Mr. Polka, and seconded by Mr. Murphy. Mr. Kazeangin abstained as wasn't present for that meeting
Approved

ACTION ITEMS:

1) Site Plan Review: 8101 Buffalo Avenue (C1-A)

Proposal by B& B Holdings of Western New York, LLC to construct a 40' x 120' building for use as a office, showroom and storage

Mr. Best, of B&B Holdings, stated that last week sometime the Water Department did a sewer clean out and left a portion of the sidewalk missing. They then filled in with stone rather than concrete. HE would like it on record that he did not do this damage to the City ROW. Mr. DeSantis informed Mr. Best to notify the Water Department of this damage as will the Planning Department.

Mr. Best also asked for clarification on condition number 5-landscaping. There is around 40 mature trees on the property that will remain, does he need to add additional ones? Mr. Bragg stated that he did not have to add additional as long as the minimal are on site as stated in conditions.

Mr. Best did ask for Amendment on the Site Plan to include a 12-18 ft grassy berm along parking area to ensure no one goes off the blacktopped area. Mr. DeSantis asked if he will be maintaining this berm, in which Mr. Best stated he would be.

Mr. Polka asked if the Site would have a dumpster as not on Site Plan. Mr. Best stated that he would not need a dumpster as only cardboard would be present at this location from shipping materials. Currently he takes this to a off site location for recycling. Mr. DeSantis informed him that he can also obtain recycle carts for the location and keep them inside facility. Mr. Best stated he would look into that as well.

- 1) ***Environmental Assessment (SEQR)***: The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated 4/24/2019
- 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 seven (7) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof) and a 5' wide landscaped strip along the perimeter of any such parking area. In lieu of a formal landscaping plan, the applicant will establish a grove utilizing existing trees where possible. Applicant shall make diligent efforts to remove invasive terrestrial plants including but not limited to tree of heaven, Norway maple, lesser celandine, Japanese knotweed and garlic mustard. Applicant will consult the NYSDEC Bureau of Invasive Species and Ecological Health for appropriate understory plantings.
- 6) **Parking:** Parking area and associated driveways and access aisles shall be paved and drained to the City sewer system as per City Engineering Department standards and approvals. Handicapped parking spaces shall be marked and signed in accordance with NYS requirements. Improvements undertaken by the applicant shall be at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Minimum parking space dimensions are 9' x 18' per space. Minimum parking space dimensions are 9' x 18' per space.
- 7) **Lighting:** All exterior site lighting, including wall packs, shall be angled downward only and 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.
- 8) **Right-of-Way:** Sidewalks shall be maintained (or re-constructed) along Buffalo Avenue. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Evidence of such shall be provided to Code Enforcement Department prior to the issuance of any Certificate of Occupancy. All such improvements shall be undertaken by the developer/applicant at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals.
- 9) **Lot / Boundary lines:** The proposed site consisting of 8005 Buffalo Avenue (SBL# 161.17-2-3), 8007 Buffalo Avenue (SBL# 161.17-2-4), 8011 Buffalo Avenue (SBL# 161.17-2-5) and 8101 Buffalo Avenue (SBL# 161.17-2-6) shall be legally amalgamated into a single lot/SBL number, pursuant to regulations, prior to filing for a building permit.
- 10) **Bond:** A performance bond, or equivalent, in the amount of \$1,000 shall be submitted to the Legal Department in accordance with Section 1301.10 and 1324.7 prior to the issuance of any building permit or certificate of occupancy.

Motion to Approve Site Plan with Amendment of added berm was made by Mr. Murphy, and seconded by Mr. MacDougall.

POLLED VOTE

Mr. MacDougall	Yes	Ms. Williams	Yes
Mr. Dunn	Yes	Mr. Murphy	Yes
Mr. Polka	Yes	Mr. Palmer	Yes
Mr. Kazeangin	Yes	Approved Unanimously	

2) Site Plan Review: 7900 Niagara Falls Boulevard (C3)

Proposal by Delta Sonic Car Wash Systems, Inc. to construct 23,765 sq. ft. car detailing building.

Mr. Jeremy Brooks, of Delta Sonic car wash, stated this is phase II of this Site Renovation. They have purchased and demolished the old Rainbow Hotel to add a detail belt system, detail bays and vacuums on that portion of the Site. The existing driveways will remain as they are but the stacking of carts will be in the rear of the Site to decrease the congestion on the main roads. The large vacuum motor will be on the Boulevard side but will be screened. Hoses will run underground for less visual disturbance.

Mr. Kazeangin asked if the existing drive through stacking area will be getting paved and Mr. Brooks stated that it would be completed in next two weeks.

Mr. Polka asked what would the existing oil and detail bays be used for. Mr., Brooks stated the oil bay will move to the new building and the other bays will remain where they are to be used for tire changes and fluid fill ups.

Mr. Polka asked what would be along the Boulevard where the public self-vacuum stations are proposed to be located. Mr. Brooks stated they have nothing on the Plan currently as the vacuum will be coming from above for less visual disturbance to the public. Mr. Murphy and Mr. Polka both expressed concern for public safety in that location. They feel that something should be added there to prevent drivers from just driving over the curb thinking that it is an exist. Mr. Brooks stated they can add parking bumpers there to help prevent that issue. Mr. Murphy also stated that he would like some sort of screening between the self-vacuums and the street as well for beautification purposes. Mr. Brooks stated they could add a raised bed with 3 ft. hedge area as well.

Mr. Polka also asked that they have more exit striping on the pavement because at times drivers are all over and may cause future accidents. Mr. Brooks agreed to do this as well.

- 1) **Environmental Assessment (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 9, 2019.
- 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 twelve (12) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof) and a 5' wide landscaped strip along the perimeter of any such parking area. The applicant provides fifty-three (53) trees and 367 shrubs. Proposed trees shall have a minimum 2" caliper. Planting areas contiguous to the parking lot should be delineated by a "raised-curb" or similar. The applicant shall be allowed to plant low vertical height decorative plants in the right-of-way along 80th Street. The applicant shall install a planted area or raised box between the vacuum units along Niagara Falls Boulevard and the sidewalk.

- 6) **Parking:** Parking area and associated driveways and access aisles shall be paved and drained to the City sewer system as per City Engineering Department standards and approvals. Handicapped parking spaces shall be marked and signed in accordance with NYS requirements. Improvements undertaken by the applicant shall be at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Minimum parking space dimensions are 9' x 18' per space. Minimum parking space dimensions are 9' x 18' per space.
- 7) **Lighting:** All exterior site lighting, including wall packs, shall be angled downward only and 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.
- 8) **Right-of-Way:** Sidewalks shall be maintained (or re-constructed) along Niagara Falls Boulevard. Improvements undertaken by the developer/applicant shall be at their own expense and in accordance with all NYS DOT and City Engineering requirements and approvals. Any existing driveway or dropped-curb that is removed shall be replaced with new curbs, sidewalks and grass margin. Where any new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA compliant specifically with cast-in-place detectable warning strips. All such improvements in the right-of-way shall be inspected and verified by City Engineering Department. Evidence of such shall be provided to Code Enforcement Department prior to the issuance of any Certificate of Occupancy.
- 9) **Bond:** A performance bond, or equivalent, in the amount of \$30,915 shall be submitted to the Legal Department in accordance with Section 1301.10 prior to the issuance of any building permit or certificate of occupancy.

Motion to Amend Site Plan with these changes was made by Ms. Williams and seconded by Mr. Murphy. Approve Site Plan made by Mr. Murphy and seconded by Mr. Polka.

POLLED VOTE

Mr. MacDougall	Yes	Ms. Williams	Yes
Mr. Dunn	Yes	Mr. Murphy	Yes
Mr. Polka	Yes	Mr. Palmer	Yes
Mr. Kazeangin	Yes	Approved Unanimously	

Motion to approve Site Plan was made by Mr. Murphy and seconded by Mr. Polka.

POLLED VOTE

Mr. MacDougall	Yes	Ms. Williams	Yes
Mr. Dunn	Yes	Mr. Murphy	Yes
Mr. Polka	Yes	Mr. Palmer	Yes
Mr. Kazeangin	Yes	Approved Unanimously	

3) Site Plan Review: 10158 Niagara Falls Blvd (C3)

Proposal by Vann Advertising, Inc. to construct a 10' x 36' billboard as an accessory structure

Larry Vann, of Vann Advertising Inc., stated he had a question on number 5 of the conditions Landscaping. He stated he did provide the landscape plan as required. Mr. Bragg stated that he did not provide a completed landscape plan as no schedule was submitted on what they intend to plant. Mr. Vann stated he would get that to the Board as did not realize that wasn't submitted.

Mr. Palmer stated that this was the same Site Plan that was submitted three years ago and the Board denied because of the lack of landscape information and also no FAA approval at that time. Mr. Vann stated that since that last submission, he has gotten FAA approval along with Niagara County approval this past week. Mr. Palmer reminded Mr. Vann that last time he came before the Board he was asked to look at several landscaped locations within the City to get a better understanding of what should be included in his Landscape plan-none are on this plan.

Mr. Polka asked what would stop a driver from cutting through the parking lot, especially at night, and not hitting the pole for the billboard? The pole is essentially in the middle of the parking lot where there are curb cuts on either side. Mr. Vann stated that he can place bollards around the base of the sign pole with reflective tape. Mr. Polka stated that he still thinks more detailed landscaping needs to be thought out, Mr. Murphy and Mr. Palmer agreed. They suggested a raised plant bed, concrete curb, etc.

Mr. Polka asked if the parking lot would be getting restriped as cars are parked every which way. Mr. DeSantis stated that Mr. Vann would essentially be a tenant of the Cuomo. Because he is here representing them, he can agree for that to be done and added to Conditions. Mr. Kazeangin stated that he felt this should be part of the conditions as well.

Mr. Palmer asked Mr. Vann to get together with his architect and come back before the Planning Board with more details on these three items: More detailed landscape plan with schedule, revised Site Plan with new parking striping on it, Site Plan with the bollards around Sign pole with reflective tape.

- 1) **Environmental Assessment (SEQR):** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated May 28, 019
- 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 sixteen (16) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof) and a 5' wide landscaped strip along the perimeter of any such parking area. The applicant provides no trees. No landscaping plan with planting schedule was provided. The applicant shall provide an updated landscaping plan together with planting schedule that meets the purpose and intent of Zoning Chapter 1322 Landscaping, Screening and Buffer Regulations to be reviewed and approved by the Planning Department. No permit shall be issued until a landscaping plan with planting schedule is submitted and approved by the Planning Department.

- 6) **Bond:** A performance bond, or equivalent, in the amount of \$10,000 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 permit or certificate of occupancy.

Motion to Table this Item was made by Mr. Murphy and seconded by Mr. Polka.

POLLED VOTE

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

Approved Unanimously

NEW BUSINESS -NONE

OLD BUSINESS – NONE

COMMUNICATIONS- NONE

PLANNING REPORT- Blue Cardinal Capital has signed the Hastings deal for the Main Street properties in the Opportunity Zone area. There were 38 properties in total that ownership was transferred, they will start with renovating three. This will be a great thing for that section of the City and the City as a whole.

ADJOURN

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Murphy. The meeting was duly adjourned at 7:21 P.M.