

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
June 13, 2018**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, June 13, 2018, at 6:00 PM, in Council Chambers, City Hall, 745-Main Street, Niagara Falls, New York.

**PRESENT:**

Joyce Williams  
Richard Smith  
Charles MacDougall  
Robert Kazeangin  
William Dunn  
Peter Heuer  
Timothy Polka  
Tony Palmer

**ALSO:**

Jim Bragg  
Michelle Shaughnessy

**EXCUSED:**

Michael Murphy

**APPROVAL OF AGENDA**

A motion to add Agenda Item of Edward Riley, of Brine Wells, giving the Board update on Hotel Niagara along with "Public Participation" was made by Mr. Smith and seconded by Ms. Williams. Approval of the Agenda with this change was made by Mr. Smith and seconded by Mr. MacDougall.

**Unanimously Approved.**

**APPROVAL OF MINUTES DATED APRIL 4<sup>TH</sup>, 2018**

A motion to approve the minutes was made by Ms. Williams and seconded by Mr. Smith. **Unanimously Approved**

**PUBLIC PARTICIPATION**

Mr. Henry Giles, of 386 Spruce Street, addressed the Board with his concern of a new Bed & Breakfast being established at 381 Spruce Street. Mr. Giles asked why surrounding residents were not notified that this happening.

Mr. Giles stated that Spruce has alternate parking, and spaces are limited as it is. His wife has to park a distance from their home now, and with the new B&B he believes it will be even worse.

Mr. Bragg explained to Mr. Giles that this is a matter to be directed to Code Enforcement, as Planning Board has no dealings with notifying residents of upcoming B&B or parking issues. Stated he will forward Mr. Giles contact information to Pat Ciccarelli in the morning and he should be able to answer any questions or concerns Mr. Giles may have on this matter.

**ACTION ITEMS**

- 1) **Recommendation to City Council: Disposition of Real Property: Located at 445 4<sup>th</sup> Street (R3-C) 159.29-2-23**

**Forwarded by Seth Piccirillo, Community Development, Request to Purchase City owned Property by Carroll and Andre Reetz. Applicants proposed future use is additional off street parking and extended Planngardening space.**

Carroll Schultz-Reetz addressed the Board and stated she and her husband would like to purchase this property as they own 441, 441 ½ and 443 4<sup>th</sup> Street and would like to use this property for additional parking and a fenced garden area.

Mr. Palmer asked if the parking would be used for the residents of these building. Mrs. Schultz-Reetz said yes for her self and her tenants only. Mr. Palmer then stated that Approval needs to be worded this is for a driveway not just additional parking. Mrs. Schultz-Reetz agreed that was fine with her as that is what their intent is.

Mr. Smith also stated that the property would need to be Amalgamated with the others and Mrs. Schultz Reetz agreed.

Motion recommending to Approve was made by Mr. Polka, and seconded by Mr. Smith. **Unanimously Approved**

**POLLED VOTE**

|                |     |                 |                    |
|----------------|-----|-----------------|--------------------|
| Mr. Smith      | Yes | Mr. Dunn        | Yes                |
| Mr. MacDougall | Yes | Mr. Heuer       | Yes                |
| Mr. Kazeangin  | Yes | Mr. Palmer      | Yes                |
| Ms. Williams   | Yes | <b>Approved</b> | <b>Unanimously</b> |
| Mr. Polka      | Yes |                 |                    |

**2.) Site Plan Review: 504 Cayuga Drive (C1-A) 161.63-1-58**

**Proposal by William Barrons, owner of Wilbur's (Bar and Grill), to construct 16' x 42' patio off of existing structure.**

William Barron stated that the purpose of the patio was to provide outside dining for their patrons on nice weather days. The Patio is covered and enclosed with a six foot vinyl fence. Per the Application it will contain approximately 8 tables and 24 chairs.

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 June 6th 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) **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 stored indoors when not in use.
- 6) **Public Utilities:** Patio shall not block access to Fire Department connections, sewers, water works, gas valves or doors.
- 7) **Advertising/Signage:** Advertising shall not be placed or hung from the patio railing.

Motion recommending to Approve was made by Mr. Smith, and seconded by Mr. McDougall. **Unanimously Approved**

**POLLED VOTE**

|                |     |                 |                    |
|----------------|-----|-----------------|--------------------|
| Mr. Smith      | Yes | Mr. Kazeangin   | Yes                |
| Mr. MacDougall | Yes | Mr. Heuer       | Yes                |
| Mr. Dunn       | Yes | Mr. Palmer      | Yes                |
| Ms. Williams   | Yes | <b>Approved</b> | <b>Unanimously</b> |
| Mr. Polka      | Yes |                 |                    |

**3) Set Public Hearing Date for June 27<sup>th</sup>, 2018**

**Rezoning of 679-71<sup>st</sup> Street and 676-72<sup>nd</sup> Street (Project Site includes 7101 Niagara Falls Boulevard)  
Proposed Retail Building and Bank Branch.**

Mr. Heuer brought it to the Boards attention that the address on the Application was incorrect and should read 679 71<sup>st</sup> & 676 72<sup>nd</sup> Street.

Motion to Set Public Hearing date for June 27<sup>th</sup> 2018 was made by Mr. Smith, and seconded by Mr. Polka.  
**Unanimously Approved**

**POLLED VOTE**

|                |     |                 |                    |
|----------------|-----|-----------------|--------------------|
| Mr. Smith      | Yes | Mr. Polka       | Yes                |
| Mr. MacDougall | Yes | Mr. Heuer       | Yes                |
| Mr. Kazeangin  | Yes | Mr. Palmer      | Yes                |
| Ms. Williams   | Yes | <b>Approved</b> | <b>Unanimously</b> |
| Mr. Dunn       | Yes |                 |                    |

**4.) INFORMATIONAL ONLY: Edward Riley, of Brine Wells, updating the Planning Board on Hotel  
Niagara Progress:**

Mr. Riley stated the building was gutted, by previous owner back, in 2007/2008. Their main goal at this point is to get the building locked up tight against the weather to prevent any further deterioration of the building. Construction is set to start 4<sup>th</sup> quarter of 2018, and doors to be opened around March 17, 2020. The Hotel will be branded but with a soft brand.

They have meet SHIPO and the building has been deemed a Historical Property and is on the Historical registration. They have also met with Niagara County IDA just today and waiting on that approval. They are also in discussion with DOT on traffic flow etc.

Mr. Polka asked what the parking situation would be for the Hotel. Mr. Riley stated that they got a variance with the conditions. They are hoping to obtain parking opposite of the church near by as they are looking for approximately 200 parking spaces or more. The building has 5 meeting rooms currently and they are looking to add 2 more since Niagara University has agreed to partner with them for training of Hospitality students.

Mr. Riley stated they will be hiring locally, not just for the construction phase, but for the employees once project is complete.

**NEW BUSINESS:**

Mr. Bragg explained that Historical Preservation Auditor and was in shock at the lack of Code Enforcement. This prompted the Auditor to send Code Enforcement a letter of the findings and the City was decertified at that time.

Preservation Buff Niagara did not want to see the City of Niagara Falls be Decertified and stated that if we adopt the Historical Preservation new Ordinance then the City can be recertified-so the new Ordinance was adopted.

**OLD BUSINESS:**

Mr. Bragg asked the Board Members to review the rough draft of the new Sign Ordinance that was provided to them. There is a Sign Ordinance meeting on June 21, 2018 at 6 P.M in Council Chambers to review and take any suggested changes.

**COMMUNICATIONS:**

**ONE NIAGARA LETTER:**

The Board was given a copy of the letter sent to One Niagara, which was drafted by Mr. Bragg.

Mr. Palmer stated that himself, Mr. Bragg, Code Enforcement and City lawyer sat down and reviewed what needs to be done to move forward at this point. Code Enforcement was to also send a letter to One Niagara, but to Mr. Palmer's knowledge this has not been completed yet.

Mr. Palmer Stated that he can not stop applicant from submitting another Site Plan, however, if they do and as Chairman, he would advise the Board to Deny the Plan until current Site is up to Code.

Mr. Kazeangin asked why the City of Niagara Falls can not just shut them down for non compliance of conditions of all the prior applications and approvals as this property is disgusting and should be shut down if not brought into compliance. Mr. Palmer stated that the Law Department would be the one that would have to initiate that and that maybe cost is a factor as to why that hasn't been done.

Mr. Soluri, from One Niagara, stated that they are looking at this Letter seriously. He wants the Board to know that one of the partners is very well endowed so funds are available. If the City shuts them down, what will happen to the 200 current employees?

Mr. Bragg stated that when he did his Site Visit there were over 27 code violations that he seen at that time alone. He gave Mr. Fittante a list of these violations at there meeting.

Ms. Williams asked why Code Enforcement has not sent their letter as of yet. Mr. Palmer told her that would need to be addressed with Code Enforcement; he does not have that answer for her.

Mr. Smith stated that to Mr. Soluri that this has never been about shutting the business down. It has always been about coming into compliance with Code. This has been going on for a long time and multiple Site Plans approved and they have had

no follow through to conditions. Mr. Palmer agreed and said that is why he does not want to see another Site Plan from them until current Code violations are remedied.

Mr. Kazeangin asked how long does the City let this continue with this Property and its violations? Mr. Smith stated that the City is down to Three Code Enforcement Officers, which he feels is a reason for lack of Code Enforcement.

Mr. John Beilman stated he is the current new Manager and is just now reading the Letter that was received. He would like to work with the City to fix the violations and submit new Site Plan in the future.

**PLANNING REPORT: None**

**ADJOURN:**

Motion to adjourn meeting was made by Ms. Kazeangin and seconded by Mr. Polka and meeting duly adjourned at 7:02 P.M