**OFFICIAL MINUTES**

NIAGARA FALLS PLANNING BOARD

**JANUARY 11th, 2017**

A meeting of the Niagara Falls Planning Board was held Wednesday, January 11th, 2017 at 6:01 PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:** Willie Dunn -Late

Robert Kazeangin

Charles MacDougall

Tim Polka

Tony Palmer

Joyce Williams

Earl Smeal

**ABSENT:** Michael Murphy- Excused

Lisa Vitello - Excused

**ALSO:** Thomas DeSantis

James Bragg

Michelle Shaughnessy

**ELECTION OF OFFICERS:**

**Mr. DeSantis acting as Chairman pro term began the Reorganization meeting and asked for nominations for 2017 Chair and 2017 Vice Chair**

Mr. Kazeangin nominated Mr. Palmer to continue as Chair, Seconded by Ms. Williams.

**Unanimously agreed.**

Mr. Palmer Nominated Mr. Kazeangin to continue as Vice Chair , seconded by Mr. Polka.

**Unanimously agreed.**

## APPROVAL OF AGENDA

* **Motion to proposed amend Agenda to change Action items to Public Hearing:**

1. **Public Hearing Date: Zoning Amendment: Short Term Rental Special Use Permit**
2. **Public Hearing Date: Abandon Portion of Alley between 2420 and 2424 Niagara Street**

**was made** **Mr. Kazeangin and seconded by Mr. Smeal.**

* Motion to amend agenda was made Mr. Kazeangin and seconded by Mr. Smeal; Unanimously approved.

## APPROVAL OF MINUTES

* Minutes to meeting held November 09th 2016 ,November 30th 2016 and December 14th, 2016
* Motion to approve minutes was made Mr. Smeal and seconded by Mr. MacDougall. Unanimously approved.

**POLLED VOTE**

Mr. Dunn Yes

Mr. Kazeangin Yes

Mr. McDougall Yes

Mr. Murphy Excused

Mr. Polka Yes

Mr. Smeal Yes

Ms. Vitello Excused

Ms. Williams Yes

Mr. Palmer Yes

**APPROVED Yes**

## PUBLIC PARTICIPATION

* None

**Public Hearings:**

1. **Public Hearing for Proposed Zoning Amendment: Short Term Rental Special Use Permit and hearing began at 6:02 P.M.**

**The following are comments made by the Public during this Hearing:**

* **Carol Schultz: Purchased two homes in Niagara Falls 4 years ago and two years ago. They are now renovated and ready for short term rental usage. She thinks short term vacation homes would be the solution to many problems. They would encourage Tourism which would create jobs “trades, food & beverage” , encourage investment in the area. Feels like the only thing that is of concern is that Code Enforcement must be vigilant for Short Term Rental Operators .**
* **Mary Leahy residing at 453 3RD ST: Living in rental owned by Craig Avery who is the first person she meet when she moved to Niagara Falls. She is for the short term rentals and would be interested in purchasing a house either in Lewiston or Niagara Falls. Prefers Niagara Falls if short term rentals is passed. Also had petitions she handed in for official record in favor of adopting Short Term Rentals Regulations.**
* **Merle Smouse: Is in favor for the Short Term Rental Ordinance. He stated the proposed ordinance would make a level playing field, but he would like to see a few changes to the ordinance. He feels a condition should be added that a Architect needs to be consulted, also that the penalties for non-compliance need to be higher. Feels that Code Enforcement needs to be vigilant in this Ordinance. He follows all the rules and feels all other need to be held accountable as he is held accountable. Would like to know how the codes could be enforced? Mr. DeSantis said any non-compliance would need to be brought to the attention of the Zoning Board of Appeals, and then dealt with by the Code Enforcement Department .**
* **Martin Marino residing on 4th Street: He purchased a home for a vacation rental (owner occupied) and is in favor of this Ordinance.**
* **Norma Higgs , on behalf of Block Club Council: Has no objections to this Ordinance, feels it will help cross sections and better long term renters.**
* **Andrea Czopp, NTCC: Would like more time to review with the Tourism Board the Regulations as she just got this information. She was encouraged to review and forward any questions/statements to Planning Board Prior to next meeting. Mr. DeSantis reiterated to the entire room that comments are being accepted until 1/25/17.**
* **Diane Tattersall: Is glad this Ordinance is out in front. Stated she feels this is great for the neighborhoods and Niagara Falls in general. Stated this is an encouraging positive step for Niagara Falls and supports this Ordinance.**
* **Steve Dojka residing 3517 Westwood Dr: stated he is for this Ordinance but would like to make sure Code Enforcement is followed.**
* **Lou Rizzo, City resident and local Real Estate Broker: Stated the Niagara Falls is the weakest market in the country and has 10 percent population loss since last census. He supports this Ordinance but would like to make sure Codes are Enforced. Mr. DeSantis asked if Mr. Rizzo’s only concern was with the need for Code Enforcement with the Penalties and Mr. Rizzo stated yes.**
* **Rick Grognan 462 4th St: In favor of this Ordinance. His two neighbors have purchased two adjacent properties. They have rehabbed them and they are now beautiful and clean. He would like to see the other properties on his street that have drug dealers and prostitutes in them, purchased and rehabbed as well. Also wants to get rid of illegal boarding houses, with two on his street alone. So Code Enforcement is needed. Stated Park Place would be a perfect opportunity for Short Term Rentals. This Ordinance would Help the Real Estate market, increase retail shopping and help sustain neighborhoods.**
* **Bob Pascoil 6124 Buffalo Avenue He feels like this Ordinance is the most exciting thing that has come out of City Hall in a long time. Its good for the city and its hospitality, and could be a major driver in eliminating blight. It Can lead to higher end rentals, elevate housing standards, lead to building attractions to increase the length of stay which would also create more local jobs, and makes a good impression for returning visits to the city. Visitors that come to Niagara Falls to see the falls, this Ordinance would allow that. Would also help to be able to collect real time safety data from our police force. Hotel owners may see this Ordinance as a threat to their business , the fact is there are not enough hotel rooms to accommodate all the tourists that would like to visit the city. With this Ordinance the city could be brought back to its former glory. Owner Occupiers of two families can have a chance to supplement their income, pay their taxes, improve their outlook and their neighborhood by renting out their second unit.**
* **With no other person wishing to comment the hearing was closed at 6:33 P.M.**

1. **Public Hearing for Abandon Portion of Alley between 2420 and 2424 Niagara Street: Proposal by Palmeri’s & Sons to utilize alley for the construction of a new 2,172 sq. ft. restaurant. The Chair opened the hearing at 6:34 P.M.**

Mr. Palmer asked if their were and comments or concerns with this abandonment?

* Mr. Polka asked how garbage pickup would work with residential in that area, and had DPW signed off on this already?
* Mr. DeSantis stated that DPW has already signed off on this and Garbage pick up in that area is street pick up only.
* With no other person wishing to comment the meeting was closed at 6:55 P.M.

**ACTION ITEMS**

**1) Abandonment right-of-way : seven feet adjacent to the west property line of 543 6th Street**

**Proposal by Cannon, Heyman & Weiss LLP, on behalf of Housing Visions, to abandon ROW adjacent to 543 6th Street to allow residential entrance walkway.**

* After reviewing the site plan materials supporting the request, a Motion to recommend to City Council was made by Mr. Polka and seconded Mr. Smeal.

**POLLED VOTE**

Mr. Dunn Yes

Mr. Kazeangin Yes

Mr. McDougall Yes

Mr. Murphy Excused

Mr. Polka Yes

Mr. Smeal Yes

Ms. Vitello Excused

Ms. Williams Yes

Mr. Palmer Yes

**APPROVED Yes**

**2) Recommendation to City Council: Disposition of Real Property : Sale of Real Property located at 2718 Orleans Avenue, SBL# 159.35-1-40 (R2-B Double Residential)**

**Proposed by Habitat for Humanity to acquire 2718 Orleans Avenue for the purpose of renovating property for their clients. Forwarded to the Board after inter departmental review from the Law Department.**

* No discussion beyond review of materials provided.
* Motion to recommend to City Council was made by Mr. Polka and seconded Mr. Kazeangin.

**POLLED VOTE**

Mr. Dunn Yes

Mr. Kazeangin Yes

Mr. McDougall Yes

Mr. Murphy Excused

Mr. Polka Yes

Mr. Smeal Yes

Ms. Vitello Excused

Ms. Williams Yes

Mr. Palmer Yes

**APPROVED YES**

**3) Site Plan Review: 2432 Niagara Street (C1-A)- Proposal by Palmeri’s & Sons to demolish and construct a new 2,172 sq. ft. restaurant.**

* **Mr. Polka asked about the alleys need to be used for garbage pickup and snow removal? Mr. DeSantis stated that the neighborhood is street pick up and that alley is not used for garbage pick up. Mr. Polka then asked if DPW and Engineering had signed off on this, Mr. DeSantis stated that they had.**
* **Mr. Polka and Mr. Smeal both said their only concern was traffic exiting the drive-through and not slowing down for foot traffic on the sidewalk. Although there are large windows on the corners of the building they felt a Traffic Safety measure needed to be added. Mr. Smeal suggested a speed bump and a Reduce Speed sign of some sort. Applicant agreed to this condition being added and has be reviewed and agrees to other conditions as stated below.**

**Motion to recommend to add condition #15-Traffic Control was made by Mr. Smeal and seconded by Mr. Polka.**

**POLLED VOTE**

Mr. Dunn Yes

Mr. Kazeangin Yes

Mr. McDougall Yes

Mr. Murphy Excused

Mr. Polka Yes

Mr. Smeal Yes

Ms. Vitello Excused

Ms. Williams Yes

Mr. Palmer Yes

**APPROVED YES**

**Conditions are as follows:**

1. **Environmental Assessment:** The Planning Board hereby accepts and adopts the findings of the SEQRA review, finalized and dated 01/6/2017.
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. No advertising shall be placed or hung from the restaurant patio railing.
5. **Storage**: Proposed dumpster and enclosure shall comply with Section 738.08 of the Codified Ordinances.
6. **Public Noise**: The use or operation of any sound production or reproduction 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 A.M.
7. **Landscaping**: Requirement is for six (6) trees, (1 per 50’ frontage plus 1 per 10 parking spaces or part there of) and a 5’ wide landscaping strip along the perimeter of any such parking area. 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 existing landscaping plan is incomplete and not in compliance with the standards and regulations of Landscaping Chapter 1322.Applicant must provide an updated landscaping plan together with planting schedule to be approved by the Senior Planner. No building permit shall be issued until an acceptable landscaping plan has been approved by the Senior Planner.
8. **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. All driveway aprons shall be no wider than 35’. Where and new sidewalk/dropped curb is installed, such sidewalk/dropped curb will be ADA complaint specifically with cast-ion-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.
9. **Screening**: Site shall be screened with a solid privacy decorative wood fencing material along the property lines that is contiguous with the restaurant districts. Such fence shall be reduced to a four foot height where the fence is aligned with the front yard setback of adjacent residential properties.
10. **Other Approvals**: Site Plan approval is contingent upon City Council approval of the alley abandonment.
11. **Lighting**: All exterior site lighting, including wall packs, shall be angled downward only and way 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 degree cutoff angle. Any light standard shall not exceed 25’ in height. Lighting details shall be provided as part of construction drawings.
12. **Right**-**of-Way**: Sidewalks shall be maintained (or re-constructed) along Niagara Street and 25th Street property line. 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 complaint 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.
13. **Lot/Boundary lines**: The proposed site which currently includes 2424 Niagara Street (SBL# 159.42-1-60) and 2432 Niagara Street (SBL# 159.42-1-59) shall be legally amalgamated into a single lot/SBL number, pursuant to regulations, prior to filing for a building permit.
14. **Bond**: A performance bond, or equivalent, in the amount of $5,991 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.
15. **Pedestrian Safety:** Drive thru to include in the final design a traffic control device, sign ora combination of devices and signs that guard against unsafe pedestrian vehicle conflicts at the south west corner of the building.

Motion to Approve Site Plan with the addition of Condition #15 and pending Alley abandonment was made byMr. Polka and seconded Mr. Kazeangin.

**POLLED VOTE**

Mr. Dunn Yes

Mr. Kazeangin Yes

Mr. McDougall Yes

Mr. Murphy Excused

Mr. Polka Yes

Mr. Smeal Yes

Ms. Vitello Excused

Ms. Williams Yes

Mr. Palmer Yes

**APPROVED YES**

**NEW BUSINESS**

Approval of By-Laws

**OLD BUSINESS**

None

**COMMUNICATIONS**

Niagara Falls Zoning Board of Appeals January 17, 2017 agenda, which includes a possible stand alone parking lot on 4th Street.

* Mr. Palmer questioned how 4th Street is going to be approved when Planning Board has said no more stand alone parking lots.
* Mr. DeSantis explained that Planning Board will address that when it is on the Planning Board Agenda. At that time questions can be asked and addressed.

**PLANNING REPORT**

None

**ADJOURN**

* Motion to adjourn meeting was made by Mr. Dunn and seconded by Ms. Williams and meeting duly adjourned at 7:32 P.M.