

Official Minutes
City of Niagara Falls Planning Board
September 8th, 2021

A regular meeting of the City of Niagara Falls Planning Board was held Wednesday, September 8, 2021 at 6:00 PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

CALL TO ORDER & ROLL CALL

BOARD MEMBERS PRESENT:

Chairperson Tony Palmer
Joseph Giaquinto
Joseph Sarkees
Charles MacDougall
Robert W. Burns
Timothy Polka
Joyce M. Williams
Michael Murphy

Staff Present:

Eric Cooper, Director of Planning
Sarina Deacon, Planning Clerk
Grace Celik, HPS

Board Members Excused:

Schurron Cowart

Attendees:

Verity Folan
Artasker Walker
Daniel Crowther
Wes Walker
Edward Perlman
Rod Davis
Latisha Jones

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA — FOR THIS MEETING

A motion to approve the Agenda was made by MS. COWART, and seconded by MR. GIAQUINTO

Motion: UNANIMOUSLY APPROVED.

APPROVAL OF MINUTES:

1. Meeting held July 14th, 2021

Motion to approve the draft minutes for the meeting dated July 14th, 2021 was made MR. GIAQUINTO and seconded by MR. POLKA.

Motion: UNANIMOUSLY APPROVED

PUBLIC PARTICIPATION (All Non-Agenda Topics):

A resident, Artasker Mae Walker, stepped forward and voiced a complaint about her address being listed in the newspaper where a shooting had taken place earlier in the week. The resident was concerned for her safety and was scared of retaliation from another party. MR. COOPER took down her information and said he would get into contact with a department that could help her.

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PUBLIC HEARING:

ACTION ITEMS:

1. **Recommendation to City Council:** TM Montante Development requests the abandonment of the 16.5 foot wide alley that separates 500 and 512 Third Street from property located at 503 Main Street running between Main Street and Ferry Avenue.

DANIEL CROWTHER stepped forward and introduced himself as the project manager. MR. CROWTHER explained that TM Montante was asking for the abandonment of the alley that ran immediately West of the vacant properties 500 and 512 Third Street. He explained that alley runs between Ferry Avenue and Main Street and it was a critical component for the proposed site plan for the project, which involved the adaptive use of the surrounding properties. MR. CROWTHER explained that the parcel at 503 Main Street would serve as a parking lot to service the properties at 500 and 512 Third Street.

MR. GIAQUINTO asked if the parking lot was behind the buildings at 500 and 512 Third Street and MR. CROWTHER agreed. MR. GIAQUINTO explained that there were water lines running beneath that area and asked what TM Montante's plans were for them. MR. CROWTHER explained that there would not be any excavation done and that it would be turned into a sealed parking lot. MR. GIAQUINTO asked if TM Montante was planning to take responsibility for the water lines. MR. CROWTHER said it was his understanding that the water and sewer lines were under the care of the Niagara Falls Water Board but said that TM Montante would take responsibility for any damage during any excavations but did not expect there to be any excavations. He explained that the alley would be integrated into the parking lot and traffic flow would be reconfigured. MR. GIAQUINTO asked if the sewer line would run directly to the alley. MR. COOPER explained that the sewer line runs the entire length of the property. MR. COOPER referred to the suggested conditions for the recommendation being that the approval is contingent upon all necessary utility easements being in place. CHAIRMAN PALMER asked if the easement would be between TM Montante and the City of Niagara Falls. MR. COOPER said it could also include the Niagara Falls Water Board.

MR. GIAQUINTO asked if the City was giving up the lot. MR. COOPER said yes with a small consideration of a \$1.00 fee being waived. CHAIRMAN PALMER asked who currently owned the adjacent property. MR. CROWTHER said that USA Niagara did but TM Montante was in the final stages of buying it from them and expected the process to be complete in the coming weeks. MR. GIAQUINTO asked if TM Montante would be charging for parking. MR. CROWTHER said that the intent was to provide parking for the users of the buildings; he also explained that TM Montante would be paying taxes on said parcel. MR. MURPHY asked if the alley would be amalgamated to the two other properties and MR. CROWTHER agreed. MR. MURPHY asked if the amalgamation was one of the conditions. MR. COOPER said it was not be it could be added. MR. MURPHY asked if the parcel at 503 Main Street would have be amalgamated too. MR. CROWTHER answered that the intent was to have some amalgamation for the three parcels and would be determined by the site plan. CHAIRMAN PALMER pointed out that the parking lot could not be a freestanding parking lot because those were something the City was trying to avoid. CHAIRMAN PALMER suggested the parcel should be amalgamated to one of the other properties. MR. COOPER stated that the conditions covered this and that the Amalgamation would be added as a condition.

Motion to recommend approval of the disposal of subject property to the applicant made by MR. POLKA and seconded by MR. MURPHY.

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POLLED VOTE:

MR. BURNS	Yes
MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Yes
MR. POLKA	Yes
MR. SARKEES	Yes
MS. COWART	Yes
CHAIRMAN PALMER	Yes

Motion: Unanimously Approved

2. **Recommendation to City Council:** Gray Line Niagara Falls Buffalo requests encroachment agreement for signage on Third Street.

VERITY FOLAN stepped forward and introduced herself as a representative from Gray Line Niagara Falls Buffalo. MISS. FOLAN explained that they were requesting an 8x8 inches pick up and drop off sign to be placed on Third Street for the tour buses. MR. GIAQUINTO asked if it would be in just one spot on Third Street and MISS. FOLAN said yes and that it would be a few steps away from Power City Eatery to help push more foot traffic down Third Street.

Motion to recommend approval made by MR. MURPHY and seconded by MR. MACDOUGALL.

POLLED VOTE:

MR. BURNS	Yes
MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Yes
MR. POLKA	Yes
MR. SARKEES	Yes
MS. COWART	Yes
CHAIRMAN PALMER	Yes

Motion: Unanimously Approved

3. **Site Plan Review:** The Eleanor Apartments LLC for Foggia Properties, owner of 707 8th Street Niagara Falls, NY (SBL: 144.78-2-31). Applicant is requesting approval to construct a necessary parking lot to a multi-dwelling structure and associated improvement.

Edward Perlman stepped forward and introduced himself as a representative for the Eleanor Apartments LLC. He stated that the Eleanor Apartments, a 27 unit building, needed a parking lot and

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was in the process of purchasing the vacant lot across the street at the northeast corner of 8th Street and Pine Avenue. MR. PERLMAN explained that it would be a standalone parking lot.

MR. MURPHY asked if the parking lot would be lit and MR. PERLMAN said it would be. MR. GIAQUINTO asked who owned the lot currently and MR. PERLMAN said Foggia Properties owned it and it would be transferred to the Eleanor Apartments LLC. CHAIRMAN PALMER asked if the owners had granted consent to the Eleanor Apartments to submit a site plan application. MR. COOPER explained that approval was given by Foggia Properties to apply for a parking lot on their behalf and it was allowed. MR. GIAQUINTO went to make a motion but MR. COOPER wanted to touch on the SEQR actions beforehand. He explained that it was an unlisted action and MR. GIAQUINTO'S early motion would say that no significant environmental impacts were found when viewed against the SEQR regulations. CHAIRMAN PALMER asked for the conditions and MR. COOPER explained them. CHAIRMAN PALMER voiced concern about having another standalone parking lot in the city.

Motion to recommend approval was made by MR. GIAQUINTO and seconded by MR. MACDOUGALL.

POLLED VOTE:

MR. BURNS	Yes
MR. GIAQUINTO	Yes
MR. MACDOUGALL	Yes
MR. MURPHY	Yes
MR. POLKA	Yes
MR. SARKEES	Yes
MS. WILLIAMS	Yes
CHAIRMAN PALMER	Yes

OLD BUSINESS: NONE

NEW BUSINESS: NONE

PLANNING REPORT / COMMUNICATIONS:

ADJOURNMENT:

Motion to adjourn made by MR. MACDOUGALL and seconded by MR. POLKA

Motion: **UNANIMOUSLY APPROVED**