

OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
August 5, 2020

A regular meeting of the Niagara Falls Planning Board was held Wednesday, August 5, 2020, in City Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York. Meeting was called to order at 6:07 PM.

PRESENT:

Tony Palmer
Michael Murphy
Joyce Williams
Robert Kazeangin
Schurron Cowart
Charles MacDougall

ABSENT:

Tim Polka
Peter Heuer

ALSO:

Thomas DeSantis
James Bragg
Michelle Shaughnessy

EXCUSED:

William Dunn

APPROVAL OF AGENDA

Motion to approve the Agenda was made by Mr. Kazeangin and seconded by Mr. MacDougall. No discussion. **Approved Unanimously.**

APPROVAL OF MINUTES

Motion to Table the Minutes, for the meeting dated July 22, 2020, was made Ms. Williams, seconded by Mr. Murphy . **Approved Unanimously**

PUBLIC PARTICIPATION: NONE

ACTION ITEMS:

1. Recommendation to City Council: New Short Term Rental Ordinance

Mr. DeSantis stated he feels there are issues with the proposed Amendment. Also feels that the goals of the Amendment are not met. The Board can take a Action tonight of Approve or Deny, however, the Staff feels that there has not been enough time for them to prepare a recommendation with solutions to these issues. If more time was provided, they would be able to provide reasons of denial and solutions to those reasons.

Mr. Murphy stated he feels the problem with the Ordinance is bad actors are not being held accountable with code enforcement fines, even the basic codes are not being enforced. This new Ordinance will but burden on the good actors. He feels it is just short of Red lining.

Mr. MacDougall stated he does not like the boundary line. He does care for LaSalle, and other areas in the City, being excluded from allowing Short Term Rentals.

Ms. Williams stated she agrees with Administration and this new Ordinance.

Mr. Palmer stated he does not understand how we can tell someone that they cant have a short term rental when they are using their own money to purchase and maintain them.

Mr. Kazeangin stated he feels this Item should be tabled, as this would allow Staff to review comments and come back with a document to present to the Public.

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Mr. Murphy feels that the Board has heard from the Public already and that the Board should just vote at this point, he feels bad for the short term rental owners who have been on hold through this all. Mr. Palmer stated that due to limited Board Members present at tonight's meeting, it would have to be a unanimous vote.

Mr. DeSantis stated that Council cant move on this until the Planning Board makes a recommendation. The next Council meeting is on September 2, 2020. So tabling this until the next Planning Board meeting is held on August 19, 2020 would just allow Staff to come up with possible recommendations. Mr. Murphy asked if the Planning Board could give Council recommendations and then table the Item until those recommendations are met. Mr. DeSantis stated that could not be done.

Mr. Kazeangin asked Mr. DeSantis if the Board could request a meeting with Administration to discuss and review and Mr. DeSantis stated that the Board Members could do that.

Chairman Palmer opened the floor to the Public for their comments at this point:

Dennis Thuman, of 415 25th Street, stated that after listening to tonight's meeting he feels that the Board is actually listening to the Public and wanted to thank them for that. He just had two points he would like to make: First is that each Short term rental operator wants what is best for the City so please listen to the Investors the people so they do not take their money elsewhere. Second, do not disregard the public as not having the knowledge of how the City is run. They know the big picture of things. His recommendation would be to Table this Item Indefinitely.

Gerald Skirlin, of 162 Buffalo Avenue, As a Short Term rental Operator, he feels everyone should be able to operator them. This will be resolved by City Council.

Carroll Schultz asked if recommendations cant be forced on Council then why Table this Item tonight? If Planning Board passed this Item to Council, they would need a Super Vote, so Planning Board should just Deny.

Cherrish Beals stated that on January 30th 2020 the short term moratorium went into affect. She has been waiting to get her approval since then to operate. She wants this Item to be denied at tonight's meeting. She also added that she does not agree with the new Insurance clause that was added to this Ordinance and feels that Code Enforcement is needed.

Colin Ligammari asked how long doe sit take to get things done in City Hall since this has been going on since January.

Motion to Table this Item was made by Mr. Kazeangin and seconded by Ms. Williams. **Approved Unanimously.**

POLLED VOTE TO TABLE:

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Ms. Cowart	Yes		
Mr. Palmer	Yes		

Approved Unanimously

2. Site Plan Review: 2058 Connecticut Avenue (130.19-1-12 (I2))

Proposal by Jerry Puleo, owner of JSP Properties, to construct a 2,373 sq. ft. pole barn to be used for Tropical Heating and Cooling for storage.

No questions or comments from the Board Members.

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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 7/28/2020.
- 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 three (3) 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 does not provide planting details. Applicant shall provide a planting schedule together with proposed tree species to be approved by the senior planner prior to the issuance of any building permits. Proposed trees shall have a minimum 2” caliper.
- 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.
- 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) **Lot / Boundary lines:** The proposed lot/parcel/building site consisting of 2010 Connecticut Ave, 2024 Connecticut Avenue, 2026 Connecticut Avenue, 2032 Connecticut Avenue and 2058 Connecticut Avenue shall be legally amalgamated into a single lot/SBL number, pursuant to regulations, prior to filing for a building permit.
- 9) **Bond:** A performance bond, or equivalent, in the amount of \$1,500 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 approve was made by Mr. Murphy and seconded by Mr. MacDougall.

POLLED VOTE :

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Ms. Cowart	Yes		
Mr. Palmer	Yes		

Approved Unanimously

3. Set Public Hearing Date for Zoning Map Amendment: 5658 Simmons Avenue (SBL# 160.06-5-11) from I2 to R1-C

No comments or questions from the Board Members.

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Motion to set Public Hearing date for September 9, 2020 approve was made by Mr. MacDougall and seconded by Ms. Williams.

POLLED VOTE :

Mr. Murphy	Yes
Mr. MacDougall	Yes
Ms. Cowart	Yes
Mr. Palmer	Yes

Ms. Williams	Yes
Mr. Kazeangin	Yes

Approved Unanimously

OLD BUSINESS: NONE

NEW BUSINESS: NONE

COMMUNICATIONS: Public comments/concerns on Proposed Short Term Rental Ordinance

PLANNING REPORT: Mr. DeSantis stated that the Blue Cardinal projects would be coming before the Board in the next few meetings.

ADJOURN

Motion to adjourn meeting was made by Ms. Williams and seconded by Mr. MacDougall. The meeting was duly adjourned at 7:11 P.M.