

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
September 23, 2020**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, September 23, 2020, in City Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York. Meeting was called to order at 6:00 PM.

**PRESENT:**

Tony Palmer  
Shurron Cowart  
Joyce Williams  
Robert Kazeangin  
Charles MacDougall  
Timothy Polka  
Michael Murphy

**EXCUSED:**

Peter Heuer  
William Dunn

**ALSO:**

James Bragg  
Michelle Shaughnessy

**APPROVAL OF AGENDA**

Applicant for Item Number 2 has been pulled per applicant. Motion to amend agenda with this change was made by Mr. Murphy and seconded by Mr. MacDougall **Approved Unanimously**  
Motion to approve Agenda with removal of Action Item number 2 as applicant was made by Mr. Kazeangin and seconded by Ms. Cowart **Approved Unanimously**

**APPROVAL OF MINUTES**

Motion to approve Board minutes, dated September 9, 2020, was made by Mr. Kazeangin and Seconded by Mr. Polka. No comments or discussion. **Approved Unanimously**

**PUBLIC PARTICIPATION:** *On any issue, not already on the agenda for action or discussion.*

Ms. Jackline Pryor of 507 5<sup>th</sup> Street stated that she has submitted a request to purchase 426 Ferry Avenue several years ago and has heard nothing back from the City in regards to it. She stated that she had been in contact with Seth Piccirillo in regards to this as well as former Corporation Council Craig Johnson and has had the run around. She would like to know what she has to do to purchase. Mr. Bragg stated that the only ways to obtain City owned property is if vacant lot is adjacent to property owner then they can bid on it, city-wide auctions or RFP that the City may put out. Since a request was already placed by Ms. Pryor, then she should contact the Law Department and/or City Administrator to see where her request currently is.

**ACTION ITEMS:**

**1. Recommendation to City Council: Rezoning of 5658 Simmons Avenue (SBL# 160.06-5-11) from I2-Industrail to R1-C Detached Single Residential**

Proposal by Mercedes Ababurko to change the zoning on her house from !2 to R1-C.

Board members have no comments on this Item.

Motion to Approve this Item was made by Mr. Polka and seconded by Mr. MacDougall.

**POLLED VOTE:**

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

Mr. Palmer

Yes

**Approved Unanimously**

**2. Site Plan Review: 7420 Stephenson Avenue ( R1-C Detached Single Residential)**

Proposal by National Grid to construct a new outdoor 13.2kV-4.8V substation with four 13.2kV distribution feeder lines, two 9.375MVA transformers and eight instrumentation equipment from extreme temperatures and precipitation

Justin Cree, of Fisher Associates, stated that existing Station is in disrepair and has been upgraded in the past but now will need to be a complete tear down. This building will be demolished and will be rebuilt slightly to the left, with reseeding where the old building stood. The building will be less than 13 feet in height and have a palisade fencing surrounding it. Evergreen Trees will be planted on the outside of the fencing which will provide coverage and also allow some visual into the area for security reasons. There will be manual lighting for when repairs need to be conducted and also low watt dusk lights.

Ms. Williams asked why existing building needs torn down. They stated it was built in 1925 and most of it is outdated at this point, including safety features. Although numerous repairs have been conducted on the building, the cost to make it safe is just too high. They also added that numerous others will be getting upgraded down the road as well.

They would like to start the project in April of 2021 and will take roughly two years until completion. The conditions show expiration date of 18 months and they would like that extended to 24 months. Mr. Bragg stated that it will remain at the 18 months and then when that approaches they will re-evaluate and grant an extension if needed at that time.

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 August 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) **Fencing:** The applicant shall utilize 9' high-security Palisade style fencing to surround and enclose all electrical equipment. Applicant agrees not to utilize any kind of razor, barbed wire or similar material at this site.
- 6) **Landscaping:** The Zoning Ordinance requirement is for the installation of four (4) shade trees together with a 5' wide landscaped strip around the perimeter of the site. Taking into consideration the unique and distinct safety and security needs at this site the landscaping plan including the planting fifty-three (53) coniferous trees/arbovitae is accepted as fulfilling the purpose and intent of Zoning Chapter 1322 Landscaping, Screening and Buffer Regulations.

**Bond:** Prior to the issuance of any building permit or certificate of occupancy, a performance bond (or equivalent) in the amount of \$5,905 shall be submitted to the Legal Department in accordance with Section 1301.10 and 1324 of the Zoning Ordinance prior to the issuance of any building permit

[Type text]

[Type text]

[Type text]

Motion to Approve this Item was made by Mr. Polka and seconded by Mr. MacDougall.

**POLLED VOTE:**

Ms. Cowart	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Ms. Polka	Yes	Mr. Murphy	Yes
Mr. Palmer	Yes	<b>Approved Unanimously</b>	

**3. Recommendation to City Council : Disposition of 91 parcels of real Property per Schedule dated September 2020**

City owned properties to be made available for disposition in achieving the re-development goals in the South End Gateway District, as there is no other public purpose for holding these properties.

Mr. Bragg explained to the board that this us to expedite the process of Disposition on these properties and it is stating that there is no public interest (Example: park, community center) in these parcels.

Mr. Polka stated that parcel that Ms. Pryor was referring too earlier is on this list. Mr. Bragg stated he would make Mr. DeSantis aware of this and also Advised Mr. Pryor, again, to contact Corporation Council/City Administer to find out her status.

Motion to Approve this Item as made by Mr. Williams and seconded by Ms. Cowart.

**POLLED VOTE:**

Ms. Cowart	Yes	Ms. Williams	Yes
Mr. MacDougall	Yes	Mr. Kazeangin	Yes
Ms. Polka	Yes	Mr. Murphy	Yes
Mr. Palmer	Yes	<b>Approved Unanimously</b>	

**OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

**COMMUNICATIONS: NONE**

**PLANNING REPORT:**

Mr. Palmer stated that the Downtown Revitalization Programs are now moving forward again so we should be seeing Blue Cardinal projects very soon.

**ADJOURN**

Motion to adjourn meeting was made by Mr. Polka and seconded by Ms. Cowart. The meeting was duly adjourned at 6:58 P.M.