



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

## NIAGARA FALLS PLANNING BOARD

### Recommendation to City Council – Encroachment in ROW

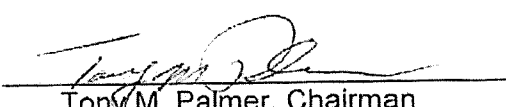
	Approval
✓	Approval with Conditions
	Denial

Pursuant to action taken by the Niagara Falls Planning Board on the 13th day of July 2022, the outcome is as follows:

PIN: 2022-46  
Applicant: Daniel Tighe  
Owner: NFNy Hotel Management LLC  
Address: 300 3rd Street  
SBL #: 159.09-1-3  
Zoning District: D1-A  
Description: Encroachment Request

*The Planning Board hereby approves the Site Plan subject to the attached six (6) conditions.*

DATE: July 13, 2022

  
Tony M. Palmer, Chairman  
Niagara Falls Planning Board

2022 JUL 14 AM 9:35

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NIAGARA FALLS  
CITY CLERK'S OFFICE



CITY OF NIAGARA FALLS  
NEW YORK


DATE: July 13, 2022  
TO: Niagara Falls Planning Board  
FROM: Eric A. Cooper, Director of Planning  
RE: Recommendation to City Council – Encroachment into R.O.W.  
Proposed: Sidewalk Patio

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NIAGARA FALLS  
CITY CLERK'S OFFICE  
2022 JUL 14 AM 9:38

**Applicant:** Daniel Tighe  
**Owner:** NFNH Hotel Management LLC  
**Address:** 300 3rd Street  
**SBL #:** 159.09-1-3  
**Zoning District:** D1-A  
**Description:** Encroachment Request

Upon review, staff certifies that the above action conforms to the requirements of the City's Codified Zoning Ordinances, but only with the following conditions being satisfied in conjunction with the proposed use(s) or development:

- 1) **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
- 2) **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.
- 3) **Sidewalk Patio:** Patio shall at all times comply with Chapter 1321.12 Sidewalk Patio Requirements of the Codified Ordinances.
- 4) **Insurance:** The applicant shall add the City of Niagara Falls as an additional insured on its liability insurance policy.
- 5) **Indemnification:** The owner will defend and indemnify the City from Liability related to the encroachment.
- 6) **NYS Liquor Authority:** Applicant shall obtain any necessary approvals from the NYS Liquor Authority required for this patio. A copy of any approvals shall be provided to the Planning Department.

  
Eric A. Cooper, Director of Planning





## Letter of Intent

We are kindly requesting a permit to allow outside seating along our hotel on Old Falls St. We are looking to utilize 26 x 20 (520 square feet). We intend to use 8.5 foot steel barricades to enclose the area. We are partnering with Bella Rose Winery to offer the tourist of Niagara Falls a wine tasting experience. We would like to utilize the space along Old Falls street for additional seating to better serve the tourist visiting our great city. We will take full responsibility for making sure the area remains clean and used for the sole purpose of providing a great atmosphere for our most valuable customers.

We truly appreciate the opportunity and partnering with the City of Niagara Falls.

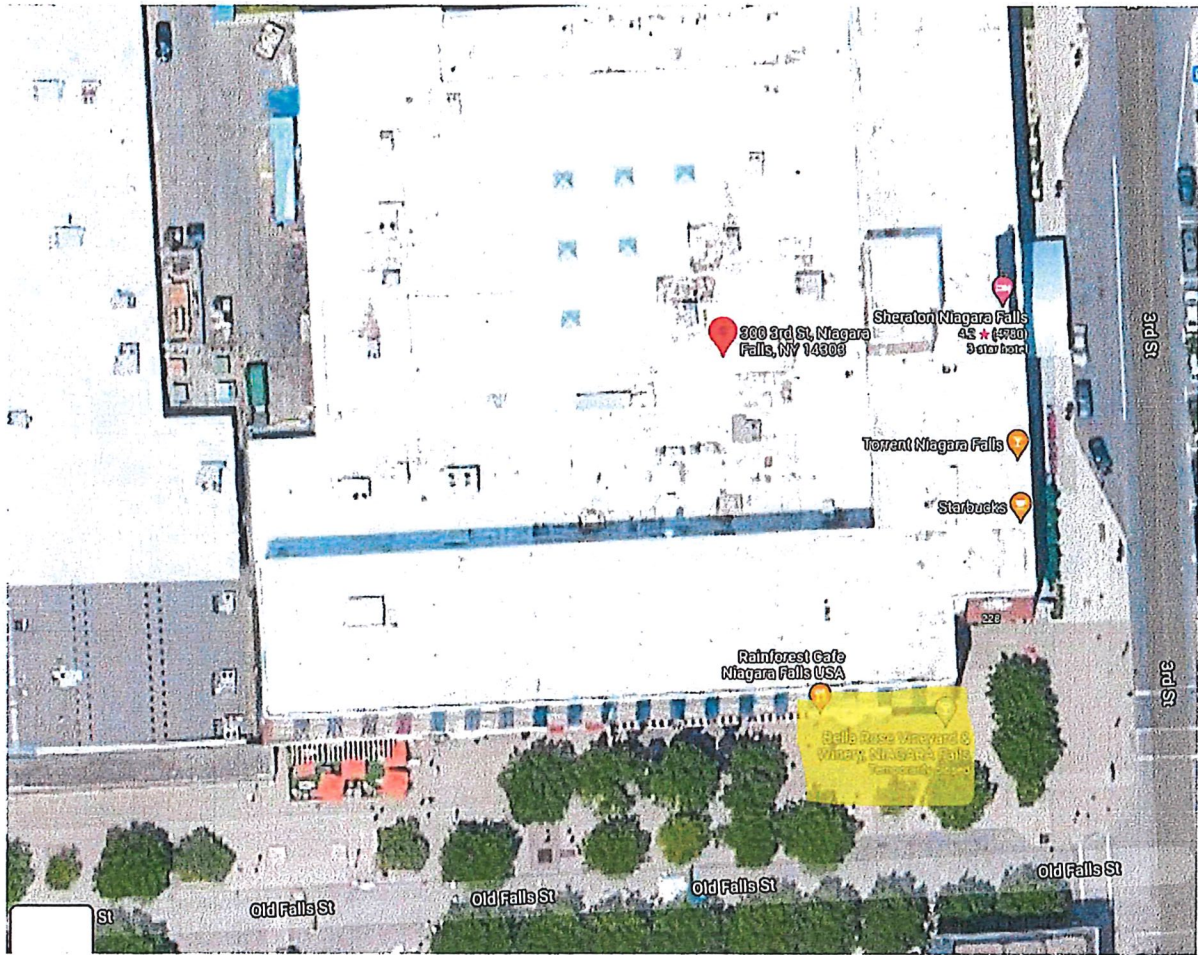
A handwritten signature in blue ink, appearing to read 'Daniel Tighe', is written above the printed name.

Daniel Tighe

General Manager

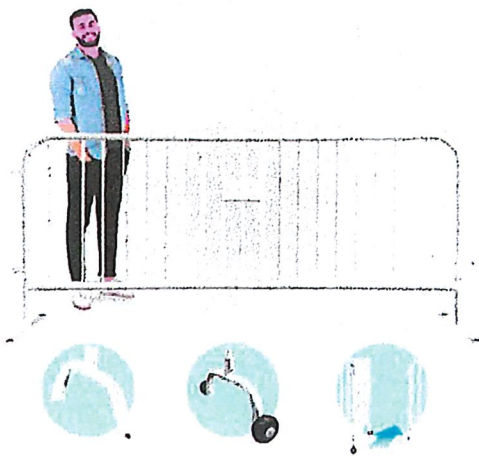
Sheraton Niagara Falls











## 8.5ft Steel Barricade Heavy Duty White – White 8.5FT Barricade

8.5FT Barricade

- Heavy Duty 16 gauge steel
- Powder Coated
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- Flat or Bridge feet
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- Hook and loop fastening system

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Barricade Foot Style \* Select

Flat Feet





RE: Request for Sign Encroachment - 300 3rd Street ( along hotel on Old Falls Street)  
 Daniel Tighe to: Susan.Knotts@niagarafallsny.gov 05/26/2022 08:49 AM  
 Cc: "Christopher.Mazur@niagarafallsny.gov", "Eric.Cooper@niagarafallsny.gov"  
 From: "Daniel Tighe" <d.tighe@sheratonatthefalls.com>  
 To: "Susan.Knotts@niagarafallsny.gov" <Susan.Knotts@niagarafallsny.gov>  
 Cc: "Christopher.Mazur@niagarafallsny.gov" <Christopher.Mazur@niagarafallsny.gov>,  
 "Eric.Cooper@niagarafallsny.gov" <Eric.Cooper@niagarafallsny.gov>

Good morning,

We would still like to move forward. Just one note the diagram that is attached is showing 3<sup>rd</sup> street if I'm reading it correctly. The space we are requesting is off Old Falls St. Either way we would have no problem with having anything removed if need be. Thank you

DANIEL TIGHE  
 General Manager



**SHERATON NIAGARA FALLS**  
 300 THIRD STREET  
 NIAGARA FALLS, NY 14303  
**P:** 716. 285.3361 | **F:** 716. 285.3900  
**Web:** marriott.com/iagaf  
 2019 Trip Advisor Certificate of Excellence Hotel

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**From:** Susan.Knotts@niagarafallsny.gov <Susan.Knotts@niagarafallsny.gov>  
**Sent:** Wednesday, May 25, 2022 3:17 PM  
**To:** Daniel Tighe <d.tighe@sheratonatthefalls.com>  
**Cc:** Christopher.Mazur@niagarafallsny.gov; Eric.Cooper@niagarafallsny.gov  
**Subject:** Fw: Request for Sign Encroachment - 300 3rd Street ( along hotel on Old Falls Street)

Hi Dan-

Please review the comments below by the Water Board regarding your encroachment request.  
 Based on this information, do you still want to move forward?

Please let me know if this is OK.

Thank you,

**Susan Knotts**

Principal Account Clerk  
 Office of the Corporation Counsel  
 745 Main Street, PO Box 69  
 Niagara Falls, NY 14302

Office: (716) 286-4427

----- Forwarded by Susan Knotts/LAW/NiagaraFalls on 05/25/2022 02:58 PM -----



From: "Sean Costello" <[scostello@NFWB.org](mailto:scostello@NFWB.org)>  
To: "Susan.Knotts@niagarafallsny.gov" <[Susan.Knotts@niagarafallsny.gov](mailto:Susan.Knotts@niagarafallsny.gov)>  
Date: 05/25/2022 02:45 PM  
Subject: FW: Request for Sign Encroachment - 300 3rd Street ( along hotel on Old Falls Street)

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Hi Susan,

Please see the Water Board's comments below – essentially, the requestor should be aware that their proposed patio appears to be over a water main and may have to be removed if a repair is necessary. If the requestor wants to speak with Mike Eagler, his contact information is below.

Thank you,

Sean

**Sean W. Costello**  
General Counsel and Secretary



Niagara Falls Water Board | 5815 Buffalo Avenue | Niagara Falls, NY 14304 | (716) 283-9770 x 2110

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**From:** Michael Eagler <[meagler@NFWB.org](mailto:meagler@NFWB.org)>  
**Sent:** Wednesday, May 25, 2022 1:47 PM  
**To:** Sean Costello <[scostello@NFWB.org](mailto:scostello@NFWB.org)>; Adam Janzen <[ajanzen@NFWB.org](mailto:ajanzen@NFWB.org)>; Douglas Williamson <[dwilliamson@NFWB.org](mailto:dwilliamson@NFWB.org)>  
**Subject:** Re: Request for Sign Encroachment - 300 3rd Street ( along hotel on Old Falls Street)

Sean,

We had a similar request from Anchor Bar on Rainbow Boulevard. I met with the General Manager of the Anchor Bar and discussed that their temporary patio will be above our 12-inch water main. I advised them that if a water main break was to occur under their patio we would have to excavate that

