City of Niagara Falls, New York

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

NIAGARA FALLS PLANNING BOARD

Recommendation to City Council – Encroachment into R.O.W.

	Approval
√	**Approval with Conditions**
	Denial

Pursuant to action taken by the Niagara Falls Planning Board on the 1st day of June, 2022, the outcome is as follows:

PIN	2022-41
Applicant:	Morgan Genovese
Owner:	City of Niagara Falls
Address:	435 3rd Street
SBL #:	159.37-1-4
Zoning District:	C2-A
Description:	Encroachment for Patio and Signage

RECEIVED
CITY OF
NIAGARA FALLS
CITY CLERK'S OFFICE
2022 JUN -2 PM 4:01

The Planning Board hereby recommends approval of the encroachment request subject to the attached seven (7) conditions.

DATE: 6-2-22

Tony M. Palmer, Chairman
Niagara Falls Planning Board

CITY OF NIAGARA FALLS
NEW YORK

DATE: June 2, 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 and Signage

Applicant:	Morgan Genovese
Owner:	City of Niagara Falls
Address:	435 3rd Street
SBL #:	159.37-1-4
Zoning District:	C2-A
Description:	Encroachment for Patio and Signage

RECEIVED
CITY OF
NIAGARA FALLS
CITY CLERK'S OFFICE
2022 JUN -2 PM 4:00

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) ***Signage:*** Signage shall comply with Chapter 1309 of the Codified Ordinances.

4) ***Sidewalk Patio:*** Patio shall at all times comply with Chapter 1321.12 Sidewalk Patio Requirements of the Codified Ordinances.

5) ***Insurance:*** The applicant shall add the City of Niagara Falls as an additional insured on its liability insurance policy.

6) ***Indemnification:*** The owner will defend and indemnify the City from Liability related to the encroachment.

7) ***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

To Whom it May Concern:

Please consider this my formal request to enter into an encroachment agreement on behalf of The GoldBar and put patio seating on the sidewalk in front of 435 Third Street. Additionally, I anticipate adding a stationary awning for signage and included information regarding that below as well.

Seating:

Attached is a diagram with dimensions of the space as well as photos. The poured concrete sidewalk (7ft 5in) will remain clear of tables/chairs. I would like to put the furniture on the brick pavers (6ft 5in), leaving significant access to pedestrians walking by and enough space for tables and chairs.

The brick pavers are split with trees, and a light pole. In the drawing you can see there are three sections, 15ft, 11ft, and 10ft respectively. Between the three areas, there is access to seating for tables of 2, 4 or 6. I attached the furniture I anticipate buying and kept it consistent with that of other third street businesses with patio seating.

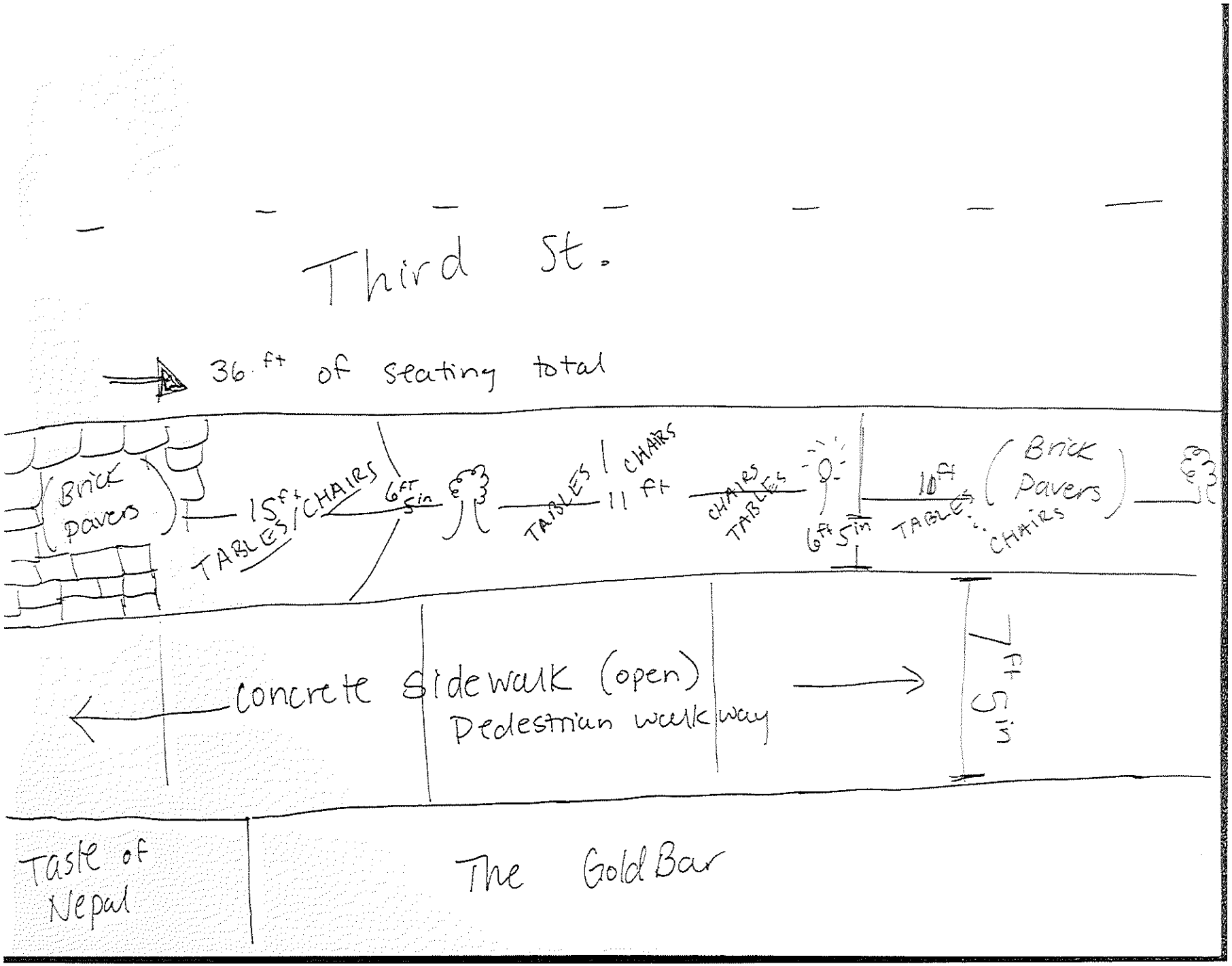
Awning:

Attached is a current photo of the front and a rendering of the awning. Custom Covers and Canvas has already quoted and will be doing the install upon approval. The awning will be 13.5ft long x 3ft 6in tall, and hang over the sidewalk 3ft width.

Please reach out with any questions. I can be reached via cell phone (716) 785-4329 or email (mgenovese@mail.niagara.edu).

Best Regards,

Morgan Genovese
The GoldBar, Owner


Third St.
36 ft of seating total
Brick pavers
15 ft
TABLES/CHAIRS
6 ft 5 in
TABLES/CHAIRS
11 ft
CHAIRS
TABLES
6 ft 5 in
10 ft
TABLES
CHAIRS
Brick Pavers
Concrete Sidewalk (open)
Pedestrian walkway
5 ft
Taste of Nepal
The Gold Bar

The GoldBar

The Gold Bar
435 Third St.
WARNING
Security
Cameras In Us

The GoldBar Encroachment Request
Morgan Genovese
to:
Christopher.Mazur
04/19/2022 03:08 PM
Hide Details
From: "Morgan Genovese" <mgenovese@mail.niagara.edu>
To: Christopher.Mazur@niagarafallsny.gov

1 Attachment

Encroachment Request.pdf

Good Afternoon Chris,

I apologize for the delay, I have received three bounceback emails while trying to get this to you. I think it's because of the file sizes. I am going to send a few follow up emails to this thread which will contain the images of the space. Here is my initial email:

Thank you for taking the time to call me last week regarding the encroachment request from The GoldBar. I have attached a letter and photos for reference. Please let me know if you have any questions or if there's anything else I can provide.

Please note that the photos include a wooden bench and garbage can. I have been in contact with Mr. Kinney Director of Public Works to remove both, additionally the property owner has discussed it with Mayor Restaino. The removal not only allows me to have more seating, but both the bench and garbage can are in rough condition.

I unfortunately write this as it is snowing but warmer days are on the way, please let me know what the rest of this process and timeline looks like.

Best,

Morgan Genovese

The GoldBar, Owner

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit http://www.symanteccloud.com