

**OFFICIAL MINUTES
NIAGARA FALLS PLANNING BOARD
November 15th, 2017**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, November 15, 2017, at 6:01 PM, in Room 17, City Hall, 745 Main Street, Niagara Falls, New York.

PRESENT:

Robert Kazeangin
Michael Murphy
Earl Smeal
Joyce Williams
Richard Smith
Tony Palmer
Timothy Polka

EXCUSED: Charles MacDougall

ABSENT: Willie Dunn

ALSO:

Thomas DeSantis
James Bragg
Michelle Shaughnessy

APPROVAL OF AGENDA

A motion to approve the Agenda was made by Mr. Kazeangin, and seconded by Mr. Polka.

Unanimously Approved.

APPROVAL OF MINUTES

Motion to Approve the Minutes for the meeting dated 10/25/17 was made by Mr. Smith, and seconded by Mr. Kazeangin. **Unanimously Approved.**

PUBLIC PARTICIPATION

None

ACTION ITEMS

1) Recommendation to City Council: Disposition of Real Property 414, 416, 420, 422, 424, 426 and 428 7th Street & 610, 614, 616 and 626 and 624 Niagara Street

Proposal by Anthony Vilardo, Planning and Economic Development, to sell properties to TM Montante Development with the condition that all parcels would be amalgamated into one SBL#.

Mr. Vilardo stated that these properties were acquired from city tax foreclosures from 2007-2014. They held RFP bids in February of 2017 and TM Montante Development won this bid.

Mr. DeSantis stated that the parcels would be amalgamated into two (2) parcels not one (1). Phase one will be one parcel consisting of buildings and parking lot. Phase Two will be parcel of green space.

Motion to Recommend to City Council was made by Mr. Murphy, and seconded by Mr. Polka.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
Mr. Polka	Yes
Approved	Unanimously Approved

2) Recommendation to City Council: Abandon the alley in the vicinity of 414, 416, 420, 422, 424, 426 and 428 7th Street & 610, 614, 616 and 626 and 624 Niagara Street

Proposal by Craig Johnson, Law Department, to abandon this alley to TM Montante Development so that property can be developed as proposed.

Mr. DeSantis stated that there is a ten (10) foot Alley behind the above parcels, the city owns the properties on either side of. The Alley is unpaved and not currently being utilized by the City. Abandoning to TM Montante will allow them to redevelop as proposed.

Motion to Recommend to City Council was made by Mr. Smith, and seconded by Mr. Polka.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
Mr. Polka	Yes
Approved	Unanimously Approved

3) Site Plan Review: 414,416,420,422,426,and 428 7th Street and 610,614,616 and 624 Niagara Street (R3-B & D1-B)

Proposal by Phillips Lytle LLP, representing 7th & Niagara Holdings LLC, to revitalize site into a mixed-use development that includes eighteen (18) market rate apartments, 9,600 sq. ft. of ground floor commercial space and gated parking lot.

Mr. DeSantis explained to the Board members that Alan Nusbaum has concluded we are taking the lead on this SEQR. Mr. Nusbaum concluded this is a Type 1 SEQR action, so more details are involved than the average Site Plan SEQR. The Board will need to formerly accept conditions per attached Resolution.

Motion to accept attached Resolution was made by Mr. Smith, and seconded by Mr. Murphy.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
Mr. Polka	Yes
Approved	Unanimously Approved

Doug Dimitroff of Phillips Lytle LLP expressed that they would like to get financing for this project approved as soon as possible and begin Phase 1. Phase 1 consists of obtaining properties; Alley Abandonment and Site plan only. Phase 2 will be presented back in front of the Board further down the road. Mr. Dimitroff also stated that Negative Declaration would cover both Phases.

Mr. Polka expressed concern for the number of handicapped parking spaces and the number of handicapped apartments per plans. Mr. Dimitroff stated that the number of handicapped apartments and parking spaces may change once SHPO makes their final decision on what can be altered and what can not be. Mr. Polka asked about the existing fire escapes and why they are not on the plans. Mr. Dimitroff stated that they are nonfunctioning and it has not been determined if they will remain or not at this point.

SHPO has the ultimate say on this along with if an elevator can be installed, also what changes can be made to the interior and exterior of these buildings. Some items may end up being grandfathered in as well, all of these factors are still up in the air with SHPO as they just sent them Part 1 and are awaiting a response. However, they are prepared to meet whatever Codes and Ordinance's the City has in place.

Mr. Polka stated that the location of the dumpster is not going to work. Sanitation truck will not be able to make that turn into the parking lot. Mr. Dimitroff stated that they are still working on the garbage situation and if a dumpster is the best fit or if storage totes would work best. This will be addressed and approved with senior planner once they are at that stage.

Mr. Kazeangin asked how the Board can approve this Site Plan with all these unanswered questions. Mr. Polka stated he felt this Site Plan was a few months premature. Mr. DeSantis stated that the conditions state that City Codes and Ordinance's must be followed. The questions are valid ones, but the conditions cover them. He suggested adding further wording into Conditions number 2 and number 5 that reads they will be approved by Senior Planner and Board agreed.

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 November 15, 2017 by the attached Resolution.
- 2) **Compliance:** Comply with all applicable State and local building, safety, and health codes in particular the number of handicapped parking spaces. 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) **Storage:** Proposed dumpster and enclosure shall comply with Section 738.08 of the Codified Ordinances. Final placement to be approved by senior planner and any use of totes will be appropriately screened from the public.
- 6) **Landscaping:** Requirement is for twelve (12) trees, (1 per 50' frontage plus 1 per 10 parking spaces or part thereof) and a 5' wide landscaping strip along the perimeter of any such parking area. Proposed trees shall have a minimum strip along the perimeter of any such parking area. Proposed trees shall have a minimum 2" caliper. Planting areas contiguous to the parking lot should be delineated by a "raised Curb" or similar. Applicant is required to retain and protect the established American Sycamore (*plantus occidentals*) on Seventh Street. This tree is subject to the maintenance requirements of Landscaping Zoning Chapter 1322.8. Applicant will provide a landscaping planting schedule subject to approval by the senior planner.
- 7) **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. Handicapped parking spaces shall be marked and signed in accordance with NYS requirements. Minimum parking space dimensions are 9'x18' per space.
- 8) **Right-of-Way:** Sidewalks shall be maintained at owner's expense along Niagara and Seventh Streets.
- 9) **Screening:** Site shall be screened with a decorative wood fencing material to be constructed and maintained along those property lines that are contiguous with the residential districts. This condition may be waived upon written request by adjacent property owners.

- 10) **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.
- 11) **Lot/Boundary lines:** The proposed Project site shall be legally subdivided and/or amalgamated to effect Phase 1 and Phase 2 development, pursuant to regulations, prior to issuance of a building permit.

Motion to Accept attached Resolution was made by Mr. Smith, and seconded by Mr. Murphy.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
Mr. Polka	Yes

Approved Unanimously Approved

Motion to Approve Site Plan with updated conditions and attached Resolution and was made by Mr. Smith, and seconded by Mr. Smeal.

POLLED VOTE

Mr. Kazeangin	Yes
Mr. Murphy	Yes
Mr. Smith	Yes
Mr. Smeal	Yes
Ms. Williams	Yes
Mr. Palmer	Yes
Mr. Polka	Yes

Approved Unanimously Approved

NEW BUSINESS

Steinmetz Planning Group did a presentation on what the next step in the Sign Ordinance would be. Future meetings with the public for their input is in the work for the beginning of 2018. Meeting will be held at mutual locations and the feedback will be compiled and worked into the Ordinance.

OLD BUSINESS

None

COMMUNICATIONS

PLANNING REPORT

Mr. Vilardo from Economic Development was present to give updated on what is in the works: 324 Niagara Street Project is expanding and closing in early December. The Canyon Block, Mehta properties, proposals should be coming in very soon as the deadline is November 17, 2017. Hotel Niagara should be completed in about 10 months or so. There is talk of two Industrial projects that may be coming to the City, but he cannot disclose details at this time. On November 25th, 2017 ED is hosting Small Business Saturday. This is where local small businesses advertise and offer discounts, specials, etc. More information can be found on ED website.

ADJOURN

Motion to adjourn meeting was made by Mr. Murphy and seconded by Mr. Polka. The meeting was duly adjourned at 7:06 P.M.