

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
November 6, 2019**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, November 6, 2019, at 6:05 PM, in City Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:**

Tony Palmer  
Michael Murphy  
Joyce Williams  
Timothy Polka  
Robert Kazeangin  
Peter Heuer  
Charles MacDougall  
Schurron Cowart

**ABSENT:**

William 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 10/23/19 was made Mr. Polka, and seconded by Mr. MacDougall. Mr. Murphy wanted it stated for the record was not indicative Mr. Faqeedaa Muhammad said. The speaker is misrepresented in this regard. The use of the phrase "those people" is not presented accurately nor was the tone or intent of the speaker. These specific comments should be reflected more clearly in the minutes. Motion was amended, and approved with the asked for corrections by Mr. Murphy on Action Item #1. Approved Unanimously

**PUBLIC PARTICIPATION: NONE**

**ACTION ITEMS:**

**1. Recommendation to City Council: Adoption of Revisions to the Sign Ordinance**

With acknowledgement of previous discussions, public hearing comments, work with the consultants and with staff, the Chair asked for a motion to move the item. Motion to Recommend to City Council was made by Mr. Murphy, and seconded by Ms. Cowart. Without any new comments questions or concerns from the Board... **POLLED VOTE:**

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

**Approved Unanimously**

**2. Recommendation to City Council: Disposition of Property, located at 1316 Michigan Avenue, SBL# 144.56-1-46 (R2-A) - Proposal by Thomas O'Donnell, Corporation Council, to sell property to adjacent property owner Charles & Mary Calabro**

With acknowledgement but no further comments from the Board. Motion to Recommend to City Council was made by Mr. Polka, and seconded by Mr. Kazeangin. **POLLED VOTE**

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

**Approved Unanimously**

3. **Site Plan Review: 4870 Packard Avenue (145.18-1-1(I2))** - Proposal by Sam Santarosa, of Buffalo Fuel Corp, to build a 40,000 sq. ft. addition to existing facility for recycling and production of a specialty low-carbon fuel / material.

Mr. Santarosa stated that they would be moving most of the equipment and plastic off of College Avenue to 4870 Packard Avenue location. He explained that they produce low-carbon material using recycled materials, primarily plastic bottles and old tires. This type of fuel production was developed on College Avenue over the last two years. Since then sorting the material in the open has proven difficult. By moving the facility to the new location they will be on concrete making the sorting much easier; the material can be produced at a higher level of quality; more environmentally beneficial, and; more cost efficiently. This operation, once moved, will be under cover. It will also allow us to clean up operations on the College Avenue Site. For that site, we (BFC) will be submitting plans to Code Enforcement Dept. as soon as a final design for the required 'French-drain' and related building specs are all completed. This is a two million dollar project so we are taking time to make sure it is all-correct. Mr. Santarosa asked the Board to note that they have added 20 more positions to their workforce making the total workforce at the two sites about 118 jobs in total.

Ms. Williams asked, what would happen at the College Avenue site? Mr. Santarosa stated that they have something in the works currently, but since it is not locked in, he would rather not discuss those plans at this time.

Motion to Approve Site Plan was made by Mr. Polka, and seconded by Mr. MacDougall. There was no further discussion. **POLLED VOTE**

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

4. **Schedule Public Hearing for a Zoning Map Amendment: for 402 & 430 Buffalo Avenue, from R4-Heritage Residential to D1-C Near Park Downtown Development, on December 4, 2019**

Mr. Bragg stated that this is based on a petition by the property owner, Feisal Merani doing business as Merani Hospitality Inc. Also, the purpose of this Map Amendment (rezoning) is to expand the number type and scale of commercial uses allowed by right, as well as, the density of residential and or commercial uses on the parcels. While this would only affect two parcels, it would affect the entire half-block fronting Buffalo Avenue, between 4th & 6th Streets.

Mr. Polka asked is this considered "Spot Zoning?" Mr. DeSantis stated that it is not considered spot zoning as it would amend the map by expanding an existing adjacent 'D1-C' / zoning classification to include two additional parcels and thus was not creating a zone onto itself, although it did serve to benefit one property owner only.

Mr. Polka asked if the Board would have a Site Plan at this Public Hearing. Mr. DeSantis stated they would have a preliminary or conceptual Site Plan only at that point and that a final site plan and its review would wait until the zoning map amendment had been approved by Council.

Mr. Kazeangin stated he also wanted to know the answer on if this was spot zoning given that it does benefit only one property owner. Adding, that he will not be able to attend a December 4th Meeting.

Motion to Set Public Hearing Date as December 4th, 2019 was made by Mr. Polka, and seconded by Mr. MacDougall. **POLLED VOTE**

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

**Approved Unanimously**

**OLD BUSINESS:**

1) **Site Plan Review: 2400 Bloneva Bond Street (144.05-1-30(R3-A)-Letter of withdrawal of Site Plan from DePaul**

Mr. Bragg presented and discussed an email from DePaul (project sponsor) stating that they are withdrawing their Site Plan from consideration by the NF Planning Board. Ms. Williams wanted clarification asking, if they are pulling it just from this meeting's agenda does that mean they are pulling it from all future meetings. Mr. Bragg stated he had a phone conversation with Gillian Conde who stated they are pulling the project all together, not just from this meeting's agenda. As such, it will not appear again on the agenda.

2) **DRI-North Main Street Loft District: Discussion of Proposed Map and Text Amendments (Rezoning of Blue Cardinal properties along Main Street)**

Mr. DeSantis stated that Rezoning of the DRI would be Action Item on the next Planning Board Agenda.

**NEW BUSINESS: NONE**

**COMMUNICATIONS:**

1) 11/1/2019 Email: From Council Member Scott, to Planning Board, regarding the DePaul/Community Missions Project.

Mr. Kazeangin asked, since this Project is pulled, would Council still hold Moratorium? Mr. DeSantis stated that as far as he understood, yes, they would.

2) 10/30//2019 Letter: David Denk, NYSDEC Regional Permit Administrator, to Planning Board Members, regarding the DRI/Bridge District SEQR Lead Agency Designation and request for comment.

Mr. DeSantis stated that the City is now officially the 'Lead Agency' on this SEQR.

**PLANNING REPORT:**

No Report. However, Mr. Palmer informed the Board that they should know that there will be a DRI Public Workshop in the evening of November 14, 2019. Additional information will be forwarded to Planning Board members if they are not aware of the details. He urged all to get the word out and to attend if they could.

**ADJOURN**

Motion to adjourn meeting was made by Ms. Cowart and seconded by Ms. Williams. The meeting was duly adjourned at 6:46 P.M.