

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
January 9th, 2019**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, February 13<sup>th</sup> 2019, at 6:09 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:**

Tony Palmer  
Robert Kazeangin  
Timothy Polka  
William Dunn  
Charles MacDougall

**ABSENT:**

Peter Heuer

**ALSO:**

James Bragg  
Michelle Shaughnessy  
Thomas DeSantis

**EXCUSED:**

Michael Murphy  
Joyce Williams

**APPROVAL OF AGENDA**

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

**Unanimously Approved.**

**APPROVAL OF MINUTES**

Motion to Approve the Minutes for the meeting dated 1/9/19 was made by Mr. Kazeangin, and seconded by Mr. Polka. **Unanimously Approved.**

**PUBLIC HEARINGS:**

**1. Rezoning of 550 Main Street, and 557, 561, 565, 569 and 571 Third**

**Street, from R3-C Multi-Family Residential to C2-A. Traditional Commercial: Opened at: 6:11**

**Closed at: 6:45**

Mr. Kingston, Penn Terra Group LTD, and Mr. Clarke, Paradigm Architecture, were present. Mr. Kingston did a presentation of Site Plan for Development for amalgamation of all 6 properties to develop affordable student housing for Niagara Culinary and Niagara University Students. These leasing would be for eight months of the year and when not leased out would be open to public for visitors/families. The benefits of this project would be that residents and visitors of this complex would spend money locally, would supply local employment for management and maintenance positions, and long term will increase real tax base. Project would also Eliminate current eye sore, address Environmental issues with the building, increase foot traffic in the area, and provide quality and affordable housing.

Mr. Clarke stated building would be a four story residential building with 1 and 2 bedroom units. It will have appropriate scale for the area, including set backs and code compliance. There will be parking ion the rear of the building with 28 parking spots including handicapped parking, buffers, landscaping, and adequate lightening.

The first floor will have two entrances, gym, porte-carte, multifunctional room for continental breakfasts, laundry room, waste area and a lobby. Along Third Street there will be one bedroom housing, and remaining floors will have approximately 13-14, 1 and 2 bedroom rooms with Bay windows.

Mr. Polka asked if there was a large grade change from Third Street. Mr. Clarke stated there is approximately a 3-foot uphill slope in the parking area. They are currently still working on obtaining Topography maps to confirm exact grade change.

Mr. Kazeangin asked Mr. Kingston if they have spoken to First Baptist Church who is adjacent to these properties, for their feelings on the project. Mr. Kingston stated that they have had a conversation with them and their only concern was if a Bar would be present on site, which there will not be.

Wayne General, of 672 71<sup>st</sup> Street, asked since Students will be residing there, will there be someone on duty 24/7 so there is not a large amount of College Students having large parties. Mr. Kingston said yes there would be along with numerous cameras to try and prevent this behavior.

Mr. Kazeangin asked how they would monitor how many peoples are living in each unit. Mr. Kingston stated that although there are privacy laws, they do reserve the right for checks and maintenance checks as well. Mr. DeSantis stated he has visited the St. Catherine's facility and they have a person on site at all times, like a door person, or entrance is by electronic key only, so general public can not just walk into the building.

Mr. Polka asked what the frame material would be for the construction. Mr. Clarke stated at this point it is looking, as light gage steel is what they are leaning towards along with non-combustible material for flooring, as per code.

Mr. DeSantis stated that the Board is here for the Rezoning of these parcels to allow amalgamation. He feels this will clean up the map and this request is the first step in this project. Once, Approved then sub sequential meetings will be held for Site Plan Approvals, SEQR reviews, etc.

## **2. Zoning Map Amendment for 665, 671 and 675 71<sup>st</sup> Street from R1-C (Detached Single Residential) to C3 (General Commercial)**

**Opened at: 6:46  
Closed at: 7:25**

Mr. Kavanagh, owner of Consumers, was present with Sherman Wisal, manager of Consumers, were present. Mr. Wisal hand delivered letter of Intent to neighboring homes the past two weeks. Mr. Kavanagh stated that he had purchased adjacent parcel of land to the existing Consumers building a few years ago. At that time he had approached owner, Mr. Wolf, of another adjacent property, at which time he was not willing to sell. Since that offer, that Resident had his health decline and Mr. Kavanagh was contacted to purchase his properties ( 671 and 675 71<sup>st</sup>, home and vacant parcel). Mr. Kavanagh purchased these parcels and is asking to have them rezoned to Commercial to enhance already approved Site plan for improved Consumer building and potential Bank of Buffalo location. The house on this parcel is in rough shape and it is proposed to tear this structure down, and expand parking and green space. A privacy fence will be installed along the back portion of the premises to accommodate neighboring parcels. The increase alamageted parcel size would result in deeper set back of building from Niagara Falls Boulevard which will include more green space, parking in rear with retention pond and green space, and allow Consumers Building to become slightly larger to accommodate larger deliveries which would result in less frequent deliveries. This would help the decrease truck traffic for the neighborhood. Mr. Kavanagh stated that at the January 19, 2019, this went before Niagara County and was approved.

Laura Bifano-Nowak, of 330 Kudler Road, asked Mr. Kavanagh of he had received any IVA Funding for this project. Mr. Kavanagh stated they did not. She presented the Board with a Petition from neighbors in that area opposing this Rezoning, with 13 signatures on it. She also presented opposing letters from Tom & Brenda Cicco of 655 71<sup>st</sup> Street, Helen Russell of 668 71<sup>st</sup> Street, and Maria Bifano of 652 71<sup>st</sup> Street.

Mrs. Bifano-Nowak read her mothers, Maria Bifano, letter to the Board. It stated reasons for being opposed is that will decrease property values, and will cause more traffic causing concern for young great grandchildren to playing outside.

Mrs. Bifano-Nowak stated that most of the neighborhood is elderly and resided there entire lives. She asked Mr. Kavanagh if this plan is to make 120 feet of Residential into Commercial, in which Mr. Kavanagh confirmed.

Mr. Wayne General, of 672 71<sup>st</sup> Street, Stated that if this gets approved he would be looking out onto a Shipping area from his residence, which he does not want to see. This will also cause more lightening pollution as well. He does not want to see a Business that deep into his neighborhood as it causes too much traffic in the residential area.

Mr. Polka asked why is the Board doing a Public Hearing tonight and also voting on the same day. Mr. DeSantis stated that there is a hard deadline for the Approval for funding issues. Since this request is an extension of previous request that was approved by the Board, there was no opposition to prior request, and no opposition to this request, until tonight, he deemed it okay.

### **ACTION ITEMS**

#### **1. Recommendation to City Council: Zoning Map Amendment for 665, 671 and 675 71<sup>st</sup> Street from R1-C (Detached Single Residential) to C3 (General Commercial)**

Proposal by Kavcon Development LLC to amend the official map for 665, 671 and 675 71<sup>st</sup> Street from R1-C (Detached Single Residential) to C3 (General Commercial) to accommodate the development of two new commercial buildings and related site improvements.

Mr. Polka stated he feels this was rushed and should be tabled at this time> Board can vote upon it at next Planning Board Meeting scheduled for February 27<sup>th</sup>, 2019, to allow more time for review. He does not feel that two weeks will affect the outcome of this project. He also feels that since size of structure and project has been slightly modified a new Site Plan should be reviewed by the Board. Mr. Kavanagh stated that Bank of Buffalo is looking at other locations so this is time sensitive

Motion to **Table** this Action item was made by Mr. Polka, and seconded by Mr. Dunn.

#### **POLLED VOTE**

Mr. Kazeangin	No
Mr. MacDougall	No
Mr. Polka	Yes
Mr. Dunn	Yes
Mr. Palmer	No

**Motion to Table                      FAILED**

Motion to **Recommend to Council** was made by Mr. Kazeangin, and seconded by Mr. MacDougall.

#### **POLLED VOTE**

Mr. Kazeangin	Yes
Mr. MacDougall	Yes
Mr. Polka	No
Mr. Dunn	No
Mr. Palmer	Yes

**Motion to Recommend to Council                      FAILED**

Mr. DeSantis explained that both motions failed because must be majority vote of entire Board to pass either motion. This is an example of why Planning Board Member Attendance is so important. Mr. DeSantis stated that there would always be arising questions when Commercial and Residential meet and expand. He will speak to the Law Department to see if this Action Item will be back on Planning Board Agenda for next meeting for revote or if will be forwarded to City Council to vote upon.

**2) Set Public Hearing date of February 27<sup>th</sup> 2019 for abandonment of portion of alley that runs from Third Street east to Fourth Street**

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

**POLLED VOTE**

Mr. Kazeangin	Yes
Mr. MacDougall	Yes
Mr. Polka	Yes
Mr. Dunn	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

**NEW BUSINESS-**

Mr. Bragg handed out, to Board Members, the Resolution of the Niagara Falls Historic Preservation regarding 822 Niagara Street, Johnnie Ryan Bottling Plant. Current Owner is attempting to obtain Demolish and this Resolution is marking the property as landmark.

**OLD BUSINESS-NONE**

**COMMUNICATIONS**

1. Code Enforcement letter to Santarosa Holdings- DeSantis stated that the City received a second letter on this property that the Board Members will receive for the next meeting.
2. Mr. DeSantis stated that 1501 College Avenue received a letter from the DEC. The Board will be receiving a copy of that letter for the next Planning Board Meeting as well.

**PLANNING REPORT**

1.Mr. Palmer stated that himself, Mr. DeSantis and Mr., Bragg had a meeting with One Niagara last week about their previous Site Plans and issues with them. They will be resubmitting a new Site Plan in the near future with these issues addressed, including parking, kiosk changes and signage.

2. Mr. Palmer stated that himself and Mr. Bragg met with Community Missions in regard to their newest project located in Highland area. They will be holding a special public meeting for the City residents, on 3-21-19 at the Doris Jones Center, to be able to attend and learn more about the project. Flyers have begun to be put out at this point for that meeting.

**ADJOURN**

Motion to adjourn meeting was made by Mr. Dunn and seconded by Mr. MacDougall. The meeting was duly adjourned at 7:55 P.M.