

**OFFICIAL MINUTES**  
**NIAGARA FALLS PLANNING BOARD**  
**June 24, 2020**

*The meeting of the Niagara Falls Planning Board held Wednesday, June 24, 2020, was called to order at 6:05 PM. Roll taken. Quorum present. Meeting held online via 'Zoom' due to COVID-19 public health restrictions on open meetings.*

**PRESENT:**

Tony Palmer  
Michael Murphy  
Joyce Williams  
Robert Kazeangin  
Schurron Cowart  
Peter Heuer

**ABSENT:**

William Dunn  
Tim Polka

**ALSO:**

Thomas DeSantis  
James Bragg  
Mayor Robert Restaino  
Michelle Shaughnessy

**EXCUSED:**

Charles MacDougall

**APPROVAL OF AGENDA**

Motion to approve the Agenda was made by Mr. Murphy and seconded by Ms. Williams. No discussion.  
**Approved Unanimously.**

**APPROVAL OF MINUTES**

Motion to Approve the Minutes, for the meeting dated 1-22-20, was made Mr. Kazeangin, and seconded by Ms. Cowart with correction of the date from 2019 to 2020. No discussion. **Approved Unanimously**

**PUBLIC PARTICIPATION: NONE**

**ACTION ITEMS:**

**1. Recommendation to City Council: Encroachment on City ROW: 310 Rainbow Boulevard**

Proposal by Matthew Roland, of Hamister Group LLC, to encroach in the ROW of Old Falls Street to facilitate building blade signage.

Mr. DeSantis provided some description of the action and its location. Board Members had no questions or comments on the Item.

Motion to approve was made by Mr. Kazeangin and seconded by Mr. Murphy.

**POLLED VOTE:**

Mr. Murphy	Yes	Ms. Williams	Yes
Mr. Heuer	Abstain	Mr. Kazeangin	Yes
Ms. Cowart	Yes		
Mr. Palmer	Yes		

**Approved Unanimously**

**2. Set Public Hearing for Short Term Rentals**

The Board agreed to hold the meeting on July 22 2020. This will allow enough time for notices to go out to the public and Hearing to be advertised. Ms. Cowart will not be able to attend this meeting due to other obligations.

Motion to approve was made by Ms. Cowart and seconded by Mr. Murphy.

**POLLED VOTE:**

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

**Approved Unanimously**

**3. Approval of By-Laws**

No comments or questions from the Board Members.

Motion to approve was made by Ms. Cowart and seconded by Mr. Murphy.

**POLLED VOTE:**

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

**Approved Unanimously**

**OLD BUSINESS:**

**1. Changes to Sign Ordinance -**

Mr. DeSantis explained that when the City Council took up the question of approving the (proposed) Sign Ordinance, Council had some reservations with respect to allowing more time for public review and comment. Council tabled the item to allow time and reflection on the question. Subsequently, some members of the Council and the public provided comments, which the Department reviewed and considered. Based on the feedback and analysis from the Department, the administration has subsequently made multiple revisions to the original recommendation by the Planning Board. Those revised proposal was provided to the board members in their packets. This same revision is now slated to return to City Council once again for its consideration and adoption, likely at their next meeting. Mr. DeSantis added, that the Board will be updated as to its status after it goes before City Council. The Board had no further comments or questions.

**NEW BUSINESS:**

1. Coronavirus, Open Meeting Law and Emergency Powers: A brief Guide for Municipal Officials- Board Members had no questions or comments. Receive and file.

2. Level 1 Approval for 7605 W. Rivershore: Mr. DeSantis provided some explanation as to the nature of the approval. The Board had no questions or comments. Receive and file.

3. NORLIC Properties-Council Approval: Mr. DeSantis explained what these properties represent and why they are being asked to recommend that Council to dispose, transfer to NORLIC, and what NORLIC intentions are with these properties. Mr. Palmer asked Mr. DeSantis if the City has any guarantee that they will salvage these properties. Mr. DeSantis stated that we can hope they will do so, they have financing to do so, but if a property is too far gone and cannot be restored, then it may need to be demolished regardless of who owns it. If it can be saved and placed back on the tax roles as a viable housing unit, then that's what should happen and will. Receive and file.

4. Short Term Rental Ordinance - Proposed Text Amendment: Mr. DeSantis let the Board know that Ms. Shaughnessy will be sending to each Board Member, by email and hard copy by USPS, the proposed justification memo from the Corporation Counsel for Short Term Rental Amendment. For those that do not already have a copy of the proposed ordinance amendment, they will also receive that along with the memo. The memo from the Corporation Counsel was provided to the Planning Department after the Board's package was mailed out for this meeting. The Board is advised to review both, be prepared to discuss both, and contact the Planning Office if they have questions before next meeting.

## **COMMUNICATIONS:**

1. Short Term Rental Moratorium-Mr. Palmer asked if the Moratorium was still in affect. Mayor Restaino stated there is an extension for this to go before Council at their next meeting. This will allow the City to get the process in place before permits are issued.

2. Five factors of awesomeness are key to Buffalos growth, global economist says- No comments from the Board.

3. Updated Zoning Table-Schedule #1- Mr. DeSantis advised the Board members to update their Zoning Books with this information.

4. City of Charleston considers closing off downtown streets to make room for outdoor dining- Mr. Kazeangin asked how the City would be addressing this locally. Mr. DeSantis explained hat Council has voted to allow the City Administer (to speed up the process) to approve or deny any Patio Special Permits that come in. This Permit allows business owners to expend patio areas, even into City ROW, to allowing for Social Distancing. These Permits will last until November 2020, if business want to extend that time frame, they will need to reapply.

## **PLANNING REPORT:**

- Mr. DeSantis stated that Blue Cardinal, the company that purchased the Hastings holdings on Main Street, should be pulling permits within weeks. Those permits will be for “stabilizing” the worst of those former Hastings properties. This will initially involve three buildings on Main Street. Over the course of the next 8-weeks, we will be seeing a lot of things finally go in motion in the North Main Street / Bridge District. Blue Cardinal should be bringing to the City and the Board a number of items, including site plans for review later this summer. As a result of this development, and because the Board has not held meetings for over two months, there will not be a regular August break in the schedule of normal Planning board meetings. Mr. DeSantis in consultation with the Mayor, have determined that the Planning Office and, by extension, the Planning Board will need to be available to conduct any and all business during August, that might otherwise have to wait until September. Knowing that multiple projects are likely to arise over the next couple of months, we must commit to be flexible and ready to move project forward as efficiently as possible.
- Mr. Palmer asked if there was an update on the DRI process. Mr. DeSantis stated that he was in contact with the Dept. of state and that the State is still in “pause.” And that there is no word yet as to when that might change. However, Mr. DeSantis added that he anticipates that some revised schedule for the DRI will be known by early Fall, including an announcement regarding funding of the City’s North End “DRI” projects.

## **ADJOURN**

Motion to adjourn meeting was made by Mr. Kazeangin and seconded by Ms. Cowart. The meeting was duly adjourned at 6:58 P.M.