

**OFFICIAL MINUTES  
NIAGARA FALLS PLANNING BOARD  
May 5th, 2021**

A regular meeting of the Niagara Falls Planning Board was held Wednesday, May 5th, 2021, at 6:03 PM, in Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York.

**PRESENT:**

Tony Palmer  
Timothy Polka  
Charles MacDougall  
Michael Murphy  
Robert Burns  
Joseph Sarkees

**ALSO:**

Eric Cooper  
James Bragg  
Michelle Shaughnessy

**ABSENT:**

Joyce Williams  
Shurron Cowart

**EXCUSED:**

Joseph Giaquinto

**APPROVAL OF AGENDA**

A motion to approve the Agenda was made by Mr. Polka, and seconded by Mr. Burns.  
**Unanimously Approved.**

**APPROVAL OF MINUTES DATES APRIL 7, 2021 & APRIL 22, 2021:**

A motion to approve was made by Mr. Burns, and seconded by Mr. Polka. **Unanimously Approved.**

**1. Site Plan Review: 7661 W. Rivershore Drive (R1-B)**

Proposal by Jon and Sarah Ruffulo to construct a 330 sq. ft. rear addition. Mr. Ruffulo stated that this project will consist of a kitchen remodel, enclosing an existing covered patio in the rear of the house as well as an addition of a new covered patio off the kitchen.

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 April 20, 2021.
- 2) 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
- 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) **Landscaping:** In lieu of the required tree planting and given the developed nature of the site, the existing landscaping is sufficient to fulfill zoning requirements.
- 5) **Set-backs:** The construction must maintain all required front and side-yard setbacks for the district and shall not expand the building footprint beyond that indicated on the Site Plan on file with the Planning Office.

Motion to Approve Site Plan was made by Mr. Murphy, and seconded by Mr. Polka.

**POLLED VOTE**

Mr. MacDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Burns	Yes
Mr. Sarkees	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

**2. Site Plan Review: 9001 Niagara Falls Blvd (C-3)**

Proposal by John Bennett to construct second story addition for the expansion of residential living space.

Mr. Bragg stated that Code Enforcement would like the Planning Board to review this item to ensure fits project fits within Zoning. The hotel owner would like to addition of a second story to existing structure. By right, the owner can go up to 65 feet in height. The issue that may arise is that there is an existing Billboard present on adjacent parcel that the addition may block.

Mr. Bragg stated that the Board should Table this item as applicant has not provided a complete application as of yet, but he felt the Board should be aware of this project and have time to review as Code Enforcement has requested.

Mr. Polka stated that he does not remember approving that Bill Board ever and that should be looked into.

Motion to Table this Action Item was made by Mr. Polka, and seconded by Mr. MacDougall.

**POLLED VOTE**

Mr. MacDougall	Yes
Mr. Murphy	Yes
Mr. Polka	Yes
Mr. Burns	Yes
Mr. Sarkees	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Unanimously Approved</b>

**3. Recommendation to City Council: Encroachment of Right-of-Way: 200 Rainbow Boulevard (D1-D):**

**3.** Proposal by Matthew Green of Rupal Hospitality Group for Encroachment's associated with porte cochere (2<sup>nd</sup> Street), billboards, patio and sign.

Mr. Patel was present and addressed the Board detailing that the project is a 58-unit upscale hotel with a patio that creates an oasis for visitors and pedestrians. The Port Cochere is designed to dress up the hotel's entrance and protect guests from the elements.

Mr. Bragg stated that the Board has reviewed and Approved Site plans for this Project twice in the past, and this is just a request for the Encroachment onto City R-O-W. This encroachment was part of the original Site Plan approval conditions at both previous reviews. The applicant received permits for the porte cochere is already constructed on the Site.

Chairman Palmer asked about the condition of approval regarding expiration.

Mr. Murphy stated that he wants to be very clear to City Council and Code Enforcement that he does not think it is fair for the Planning Board to be put in the position of having to vote on an item that has already been constructed and ~~who's~~whose timeline, per conditions, has expired. However, he does not think the applicant should be held responsible for this error and be forced to dismantle the porte cochere-so he Motions to approve, however he does so under Protest.

Mr. Cooper asked that the Board attempt to consider this request as if it had not already been constructed. He advised that the Board should vote in the manner best serving their charge and the public interest.

Mr. Polka stated that the drawings submitted for review were too small to read. For this reason, his vote is No for this Action Item.

Mr. MacDougall would like all future submissions to be done in 11X17 format, the other Board members agreed.

Motion to Approve Site Plan was made by Mr. Murphy, and seconded by Mr. MacDougall.

**POLLED VOTE**

Mr. MacDougall	Yes
Mr. Murphy	Yes
Mr. Polka	No
Mr. Burns	Yes
Mr. Sarkees	Yes
Mr. Palmer	Yes
<b>Approved</b>	<b>Approved</b>

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**COMMUNICATIONS**

None

**PLANNING REPORT:**

-Mr. Cooper stated that on April 27<sup>th</sup>, 2021 they held a NF Strategic Economic Development~~EC~~ Fund meeting which had approximately 70 people in attendance. There is ~~up to~~at least \$10 million in funds

available ~~for projects along Main Street, Pine Ave, Portage, and Niagara St., so future meetings will be held in the future and~~ This fund is administered by NYS ESD, but he will keep the Board updated on its progress ~~those~~.

~~At the last GBNRTC meeting, they are planning programs that need to be completed by the end of the year, more will come on those~~ GBNRTC has started preparations for the next round of Transportation Improvement Projects (TIP) which are federally funded projects to accomplish the regions planning goals. We are working to identify appropriate projects.

-Mr. Cooper stated that there have been meetings regarding energy efficiency and Solar Power, he will keep the Board updated as those progress.

-Joy Kuebler is still working on the design of the Lasalle Business District Streetscapes.

-Friday there is a meeting with Go Bike Niagara to discuss bike routes and even bike friendly streetscapes. Mr. Cooper will keep the Board updated on this meeting at next Planning Board meeting.

#### **ADJOURN**

Motion to adjourn meeting was made by Mr. Polka and seconded by Mr. Murphy. The meeting was duly adjourned at 6:38 P.M.