

Official Minutes
City of Niagara Falls Planning Board
03-23-22

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday, March 23rd at 6:00PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, NY.

CALL TO ORDER & ROLL CALL

BOARD MEMBERS PRESENT:

Tony Palmer
Joseph Giaquinto
Charles MacDougall
Timothy Polka
Joseph Sarkees
Joyce Williams
Ken Nossavage
Ryan Dallavia

STAFF PRESENT:

Josh Greene, Environmental Planner
Sarina Deacon, Planning Clerk

STAFF EXCUSED:

Eric Cooper, Director of Planning

BOARD MEMBERS EXCUSED:

Schurron Cowart

ATTENDEES PRESENT:

Wayne General
Evelyn Hackworth
Francis Murphy
Daniel Lambert
Andrew Leja
Gloria Zeigler
Randy Bebout
Kaye Humphrey
James Humphrey
Arlene Doss
Keith A. Colvin
James Jackson
Tomas Cook
Jockeline Pryor

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – FOR THIS MEETING

A motion to approve the agenda was made by MR. GIAQUINTO and seconded by MR. POLKA.

MOTION: UNANIMOUSLY APPROVED

APPROVAL OF MINUTES FROM 2022-02-23

MR. DALLAVIA stated his name was not included on the meeting minutes from the meeting held on 02-23-2022.

MS. DEACON stated that the correction would be made.

A motion to approve the minutes with the correction was made by MR. GIAQUINTO and seconded by MR. POLKA

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PUBLIC PARTICIPATION

ACTION ITEMS

1. Abandonment of City Property: Arlene Jackson, owner of property at 1707 Virginia Avenue (SBL: 144.25-1-2), requests the abandonment of 72 ft. of the City owned Right-of-Way (Alley) that separates 1707 Virginia Avenue from 1716 Tennessee Avenue and the abandonment of 1,851 sq. ft. of property that separates 1707 Virginia Avenue from the Street line.

(Please note that MS. JACKSON introduced herself as MS. DOSS)

MS. WILLIAMS asked if this would be considered a Public Hearing. The Planning Board Members stated yes.

Ms. Arlene Doss stood and spoke. She asked if one had to request that the property be abandoned. MR. DALLAVIA said yes. MS. DOSS explained that she was mainly concerned with the alley behind her garage. MS. DOSS stated she had been taking care of the property for 36 years. MS. DOSS stated it was not possible for anyone to get back to the alley due to its positioning.

CHAIRPERSON PALMER asked about the frontal part of the property. MS. DOSS stated she had also taken care of that property for 36 years. MS. DOSS stated there was no sewage or electrical under the property.

CHAIRPERSON PALMER asked if anyone from the audience wished to speak on the abandonment of the property. A member from the audience had a question. She stated her son lived behind the property at 1716 Tennessee Avenue. She stated her son's property had a fence located on the property that was requesting to be abandoned. She stated that enough room had been left to get behind the fence to clean the property. She asked if that would be considered part of the property that would be abandoned.

MS. DOSS answered that it would be. CHAIRPERSON PALMER asked if there would be any conflict. The audience member stated she and her son wanted to keep the property as it was. She stated they were not interested in abandoning or selling the property.

CHAIRPERSON PALMER stated that the property up to the audience member's fence would be given to MS. DOSS. The audience member stated that they still wanted the room left behind the fence in case they needed to expand. CHAIRPERSON PALMER asked if she wanted the City to keep owning the property but have MS. DOSS pay for it. The audience member stated that she and her son would maintain the property and that they did maintain it before the fence was put up in 2021.

MS. DOSS stated that the audience member's son did not maintain the property passed the tree line and she had taken care of the rest of the property. The audience member stated that MS. DOSS was not around for a number of years.

CHAIRPERSON PALMER stated to the audience member that the abandonment would not affect her property as her property ended where the property line ended. CHAIRPERSON PALMER stated there was strip of property between the two properties and the City was supposed to maintain. CHAIRPERSON PALMER said that MS. DOSS had been maintaining it. The audience member stated that she had been maintaining a part of the property too.

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CHAIRPERSON PALMER asked the audience member if she was going behind the fence to clean. The audience member stated that before the fence was put up, she would maintain the property. CHAIRPERSON PALMER stated that nothing would be taken from the audience member's property.

MS. WILLIAMS asked if each property owners receive half of the alley since the City was abandoning it. CHAIRPERSON PALMER stated the alley would go to the person who was requesting that it be abandoned. MS. WILLIAMS stated that when the alley behind her home was abandoned, each owner received half.

MS. DOSS stated she had spent at least \$4,000 cleaning the alley. MS. DOSS stated that she had spoken to the audience member's son about mowing the property and he would always stop right before the fence line. MS. DOSS stated that even if the property was divided up, the son would not be able to mow the property because of the way it was set up.

CHAIRPERSON PALMER stated that the issue would have to be referred to the Law Department and it would be addressed at the next Planning Board meeting.

A motion to table the issue until the next Planning Board meeting was made by MR NOSSAVAGE and seconded by MR. POLKA.

POLLED VOTE:

CHAIRPERSON PALMER	YES
MR. GIAQUINTO	YES
MR. SARKEES	YES
MR. MACDOUGALL	YES
MR. POLKA	YES
MS. WILLIAMS	YES
MR. DALLAVIA	YES
MR. NOSSAVAGE	YES

MOTION: UNANIMOUSLY APPROVED

2. Level Two Site Plan Review: Bohler Engineering as applicant for Sunrise Lodging LLC, owner of property at 7029 Niagara Falls Boulevard (SBL: 160.11-3-7). Applicant is seeking approval to construct a new 3,620 sq. ft. car wash and associated development.

Randy Bebout, a spokesperson for Bohler Engineering, broke down the project. He stated the car wash building would be facing Niagara Falls Boulevard. He stated the car wash would have 30 parking spaces. He stated the areas where people would vacuum their cars out at would be covered by canopies. He stated that guests could purchase a monthly membership or a day pass to use the car wash. He stated the entrance to the car wash was along the West property line. He stated the two pay stations would be covered by canopies and there would be a menu board with pricing options. He stated there were two ways to exit the car wash. He stated the hours of operation would be from 8:00am to 8:00pm but would close sooner during the winter months.

MR. BEBOUT stated that the company, Tidal Wave Auto Spa, had 100+ facilities in the Southeast section of the nation and they were expanding into the Northeast. He stated that there were active projects in New Jersey. He stated that the car wash would be the first project in New York State and the company was looking to expand to Ohio and Pennsylvania.

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MR. BEBOUT stated that two employees would be on site at all times to monitor the site, pick up trash and assist customers. He stated that after the facility would close for the day, the power to the vacuums would be turned off. He stated the vacuum equipment would be located inside a building to help minimize the noise. He stated that adjacent to the building would be a vending area so customers could purchase a towel to dry their car off with.

MR. BEBOUT stated that employees would not dry the cars off. He stated there would be two parking spaces for the two employees. He stated that the company had presented to the Niagara County Planning Board and they were granted approval. He stated the Zoning Board of Appeals also granted a variance because the requirement was twelve spaces when they technically only had two spaces. He stated they also granted a variance for the site signage.

MR. BEBOUT stated where the dumpster was located. He stated the company has a detailed landscaping plan and referred to the photo rendering he brought with him. He stated the company was proposing a continuous screen along the south property line so the car wash would be blocked from the residential neighbors view. He stated that trees would be planted along the front.

MR. BEBOUT stated the initial plan to the Planning Staff lacked the proper landscape requirements. He stated that the changes were made and were reflected in the Site Plan. He stated that the company would satisfy every comment made.

MR. BEBOUT offered to walk the Planning Board members through the signage.

MR. GIAQUINTO asked how loud the vacuums would be considering how close they were to the residential houses. MR. BEBOUT said he did not have a sound decibel reading on hand. He stated that the company was conducting a noise study at their other locations but he did not have the information on hand.

MR. MACDOUGALL asked if the dirty water would go directly into the sewer. MR. BEBOUT referred to four boxes on the photo rendering and stated they were part of a water reclamation system. He stated that some of the water would go to the sewer and some of it would be recycled back. He stated that only so much water could be recycled because of the grit.

MR. BEBOUT stated there would be site lighting fixtures around the site and that a photometric plan had been submitted and that everything was all Dark Sky compliant. He stated that very little light went past the pavement areas. He stated that the site currently had 6-7 curb cuts. He said 5 curb cuts would be eliminated. He stated that there had been feedback from DOT. He stated the company had submitted a Stage One Commercial Perm 33 (Commercial Access Highway Work Permit) and he had received an email earlier saying it was not required. MR. BEBOUT again mentioned the canopies that protect customers from the elements while washing their cars.

MR. BEBOUT motioned to his display and stated information about the signage. He stated a variance was not needed for the sign because of the Code requirements. He stated the Planning Board should have received sign details. He again motioned to his display and stated information about the signage.

MR. BEBOUT stated that if customers decided to leave the car wash due to a payment issue, there was a bailout lane for them to exit. MR. BEBOUT stated the back end of the car wash would be all landscape.

MR. POLKA asked if the companies engineering firm had opened any other locations in NYS. MR. BEBOUT confirmed that the car wash would be the first one in NYS.

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MR. POLKA asked if the acreage was the same at the other locations. MR. BEBOUT stated yes and that other locations actually had smaller amounts of acreage. MR. BEBOUT again went through the water waste/recycle plan.

MR. POLKA stated he was concerning about the queuing of the vehicles but stated there was enough room in the back of the facility. MR. BEBOUT made it clear that the facility was not like a Delta Sonic and did not provide all the perks included therefore the lines into the facility wouldn't be an issue. MR. BEBOUT stated that the lines became an issue, an employee would assist.

MR. POLKA pondered how much help only two employees would be able to provide. MR. BEBOUT stated only one employee would run the car wash.

MR. DALLAVIA asked what was at the site currently. MR. BEBOUT confirmed it was vacant.

MR. MACDOUGALL asked when the company wanted to start construction. MR. BEBOUT stated early May 2022.

CHAIRPERSON PALMER asked if the company had received the letters of approval from the City Engineers and the DOT. MR. BEBOUT stated they had received review comments and there had been a discussion with Pat Ciccarelli. He stated that Pat Ciccarelli had said the company didn't need to submit revised plans in advance. MR. BEBOUT stated that all the review comments were being addressed.

MR. GREENE spoke and clarified that any additional comments that other departments and agencies may have will be a part of the Conditions for approval.

MR. BEBOUT stated that the DOT did not have any comments.

CHAIRPERSON PALMER asked if the residential property had been amalgamated into the property. MR. BEBOUT stated it was. CHAIRPERSON PALMER asked if the company had reached out to members of the community about the project to gauge their opinion. MR. BEBOUT stated they had not. MR. BEBOUT stated that the company wanted to be part of the community.

CHAIRPERSON PALMER asked if the audience had any questions.

Audience member Wayne General stood up. He stated he was not for or against the project. He stated he was concerned of the quality of life for the neighborhood surrounding the facility. MR. GENERAL stated his street already struggled with traffic issues in the past. MR. GENERAL stated he attended the meeting to learn more about the project.

MR. BEBOUT clarified there would be no huge truck deliveries to the facility after construction was completed. He stated only box trucks would complete deliveries.

A motion was made to approve the site plan with conditions by MR. POLKA and seconded by MR. MACDOUGALL

POLLED VOTE:

CHAIRPERSON PALMER	YES
MR. GIAQUINTO	YES
MR. SARKEES	YES

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MR. MACDOUGALL	YES
MR. POLKA	YES
MS. WILLIAMS	YES
MR. DALLAVIA	YES
MR. NOSSAVAGE	YES

MOTION: UNANIMOUSLY APPROVED

CHAIRPERSON PALMER asked if MR. BEBOUT had read the Conditions from the Planning Department. MR. BEBOUT stated he had not. A copy was given to him to read and he agreed to them.

3. Level Two Site Plan Review: Fisher Associates as applicant for Niagara Mohawk Power Corp (National Grid), owner of property at 713229 Welch Ave (SBL: 159.41-2-52). Applicant is seeking approval to demolish existing substation and construct a new outdoor 13.2kV – 4.16kV substation and associated development.

Andrew Leja and Daniel Lambert, a spokespersons for National Grid, explained the project. MR. LEJA explained the 100 year old substation was in need of an upgrade for the betterment of the neighborhood. MR. LEJA stated there would be three stages of construction. He stated the construction would take up to 18 months and the old station would continue running during that time period. He stated a new substation would be built next to the old one. MR. LEJA stated that the company sought a setback variance for the rear property from the ZBA. He stated that it would be 12 feet instead of 20 feet. He stated that variances were received for the fence height. He stated there was a 4 foot fence limit in the front yard but the companies would be 9 feet all away around the property.

MR. LEJA motioned to his display and pointed out the Existing Control House. MR. LEJA passed around photo simulations of existing and proposed substations. He explained the existing building was made up of three bays. He stated the Western Bay was gutted by fire in 2021 and it would be the first one to come down. MR. LEJA stated that phase two would be installation of the transformers and the control building. MR. LEJA motioned to his display and pointed out where the new substation would be. He stated the control building would hold sensitive materials.

MR. LEJA stated there would be two large transformers mounted on concrete pads outside. MR. LEJA stated in stage 3, demolition of the other bays would take place. For visual mitigation, MR. LEJA stated that evergreen trees would be planted between the fence and sidewalk. He motioned to this on his display. MR. LEJA stated that small hole mesh material would be used on the fence. He stated the fence was removable in case of emergencies. MR. LEJA stated there would be one driveway entrance into the site and firewalls would be constructed to protect surrounding neighbors. He stated the firewalls would be 15 feet tall and motioned to the display. He stated the walls were not continual around the whole property and that it was done on purpose so fire apparatus could enter from one side of the site.

MR. LEJA stated the property in the back, adjacent to Niagara Street was an open area. He motioned to the display and pointed out an apartment building and restaurant building near the site.

MR. LEJA explained since the substation was 100 years old, the Planning Department asked if a portion of it could be preserved as a historical marker. He said a small sign would be constructed and located between the fence and the sidewalk. He stated the sign would have text and photos of the old substation and equipment.

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MR. GREENE stated the historical marker was sufficient for SHPO (State Historic Preservation Offices)

MR. LEJA again explained the timeline for the project and opened the floor to the Planning Board for questions.

MR. POLKA asked how many old substations were left in the City. MR. LAMBERT stated there were 3 left. MS. WILLIAMS asked if there was one on Beach Street and MR. LAMBERT answered yes. MR. SARKEES stated he was sad to see the substation go. MR. LAMBERT stated because of their age, the sub-stations were becoming a liability issue and could not keep up with current demand. MS. WILLIAMS asked if the liability was for the workers or the residents. MR. SARKEES said the workers. MR. LEJA explained the transformers were all low noise and low energy.

A motion to approve the site plan with conditions for the construction of a new outdoor 13.2kV – 4.16kV substation and associated development was made by MR. GIAQUINTO and seconded by MR. DALLAVIA.

POLLED VOTE:

CHAIRPERSON PALMER	YES
MR. GIAQUINTO	YES
MR. SARKEES	YES
MR. MACDOUGALL	YES
MR. POLKA	YES
MS. WILLIAMS	YES
MR. DALLAVIA	YES
MR. NOSSAVAGE	YES

MOTION: UNANIMOUSLY APPROVED

4. Site Plan Approval Extension: Francis Murphy, owner of 8131 West Rivershore Drive (SBL: 161.17-3-77) is requesting an extension on their Site Plan Approval for the garage addition to the house. Site Plan originally approved on 10/14/2020.

Francis Murphy, the homeowner, gave an update. He stated that receiving materials for the project was uncertain. CHAIRPERSON PALMER asked if he could be given a 6 month extension. MR. POLKA said a 12 month extension was more appropriate.

A motion to approve the 12 month extension was made by MR. POLKA and seconded by MR. MACDOUGALL

POLLED VOTE:

CHAIRPERSON PALMER	YES
MR. GIAQUINTO	YES
MR. SARKEES	YES
MR. MACDOUGALL	YES
MR. POLKA	YES
MS. WILLIAMS	YES
MR. DALLAVIA	YES

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MR. NOSSAVAGE YES

MOTION: UNANIMOUSLY APPROVED

5. Planning Board By Laws

MR. GREENE stated that small edits were made. CHAIRPERSON PALMER reviewed the edits. CHAIRPERSON PALMER asked if the Planning Board had reviewed the edits and had any questions.

A motion was made to approve the edits by MR. POLKA and seconded by MR. NOSSAVAGE.

POLLED VOTE:

CHAIRPERSON PALMER	YES
MR. GIAQUINTO	YES
MR. SARKEES	YES
MR. MACDOUGALL	YES
MR. POLKA	YES
MS. WILLIAMS	YES
MR. DALLAVIA	YES
MR. NOSSAVAGE	YES

MOTION: UNANIMOUSLY APPROVED

OLD BUSINESS

MR. SARKEES asked how the items on the agendas were decided. CHAIRPERSON PALMER stated they were placed on the agenda in the order they arrived in. MR. GREENE agreed with this statement. CHAIRPERSON PALMER stated that items could be moved around from shortest to longest.

MS. DEACON stated she would keep that in mind when organizing agendas in the future.

MS. WILLIAMS asked why the Public Hearing for Arlene Jackson was tabled. CHAIRPERSON PALMER stated it was because it had to be sent to Corporation Counsel for guidance. MS. WILLIAMS stated that a property near her residence had been split between neighbors evenly.

CHAIRPERSON PALMER stated that since MS. JACKSON requested the abandonment of the property for her to take control of. MS. WILLIAMS asked how MS. JACKSON could take control of an alley.

Both CHAIRPERSON PALMER and MR. GREENE stated it was not currently used as an alley.

There were several moments of back and forth between CHAIRPERSON PALMER and MS. WILLIAMS about this issue.

Jockeline Pryor stood up and spoke. She stated she was under a program that was not recognized by the City. The South End Initiative program ran under former City employee Seth Piccirillo.

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CHAIRPERSON PALMER stated that MR. PICCIRILLO no longer worked with the City. MS. PRYOR stated that programs started under MR. PICCIRILLO were still running. MS. PRYOR stated that she had started taking care of a city owned property after the City hadn't taken care of it for 6 years. She stated the contractors at the property were not doing anything with it.

CHAIRPERSON PALMER stated that MS. PRYOR went through Corporation Counsel and she was told the property would not be sold to her. MS. PRYOR stated she had been taking care of the property for five years under Community Development's program.

CHAIRPERSON PALMER answered that he never acknowledged there was a program of that nature. MS. PRYOR again stated that the property she had taken care of for five years had been abandoned by the City and she had taken care of it under MR. PICCIRILLO'S South End Initiative program.

CHAIRPERSON PALMER stated the property was not abandoned by the City and it was not taken off the tax roll.

MR. GIAQUINTO asked if MS. PRYOR had requested the property to be abandoned. MS. PRYOR did not answer. CHAIRPERSON PALMER stated she could not present to the Planning Board and she had to go through Corporation Counsel. MS. PRYOR stated she would be back.

NEW BUSINESS

PLANNING REPORT / COMMUNICATIONS

ADJOURNMENT

A motion was made to adjourn by MR. POLKA and seconded by MR. MACDOUGALL.