

Official Minutes
City of Niagara Falls Planning Board
06-01-22

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday the 1st 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
Ken Nossavage
Joyce Williams
Ryan Dallavia
Shurron Cowart

STAFF PRESENT:

Eric Cooper, Director of Planning
Josh Greene, Environmental Planner
Sarina Deacon, Planning Clerk

BOARD MEMBERS ABSENT:

ATTENDEES:

Morgan Genovese
Rachel Dorgan
Jockline Pryor

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA – FOR THIS MEETING

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

MOTION: UNANIMOUSLY APPROVED

APPROVAL OF MINUTES FROM 2022-05-18

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

MOTION: UNANIMOUSLY APPROVED

PUBLIC PARTICIPATION

There was no public participation.

PUBLIC HEARING

1. Subdivision: Brenda Golden, applicant for Costanzos Welding, owner of property 128 22nd Street (SBL: 159.11-1-4) requests to subdivide existing parcel into 2 parcels

Official Minutes
City of Niagara Falls Planning Board
06-01-22

CHAIRPERSON PALMER stated that since a representative from Constanzos Welding was not present, the Planning Board would adjourn the public hearing until the next Planning Board meeting.

MR. POLKA asked MR. COOPER about the lot size of the building and asked if the applicant had received a variance. MR. COOPER stated he had asked the applicant about setback distance, the size being proposed and the building coverage. MR. COOPER stated the only variance they needed was for the building coverage of the southern lot.

MR. COOPER stated the Public Hearing was set last month and the applicant was supposed to get onto the Zoning Board of Appeals meeting agenda last month. MR. COOPER stated the applicant did not complete the application to make it onto the May Zoning Board of Appeals meeting. MR. COOPER stated the applicant had now submitted everything needed to be on the Zoning Board of Appeals next meeting agenda.

MR. POLKA stated he didn't understand why the applicant wanted to buy the parcel. MR. POLKA stated that he did not agree with how the property was being subdivided.

MR. COOPER stated that aerial images showed how the current property was being used. MR. COOPER stated the subdivision would be intended to legalize how access is currently being drawn to the building. MR. COOPER stated the applicant was proposing to sell the lot to whomever was currently leasing it.

MR. POLKA asked if the applicant would have legal access to McKenna Avenue. MR. COOPER stated yes as there was an existing easement.

A motion was made to adjourn the Public Hearing to Wednesday, June 15th by MS. WILLIAMS and seconded by MR. GIAQUINTO

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

MOTION: UNANIMOUSLY APPROVED

ACTION ITEMS

1. Recommendation to City Council - Encroachment Request: Morgan Genovese, applicant for Cataract Development Corporation, owner for property 435 Third Street (SBL: 159.37-1-4) requests encroachment into the City right-of-way in order to facilitate patio seating and an addition of a stationary awning.

Morgan Genovese introduced herself as the applicant. MS. GENOVESE stated her business had been open for five and a half months. MS. GENOVESE stated that her location at Third Street did not have a curb cut. MS. GENOVESE stated she would have seven and a half feet of easement for pedestrians. MS.

Official Minutes
City of Niagara Falls Planning Board
06-01-22

GENOVESE stated that pavers would be on one side with chairs and tables directly in front of the bar. MS. GENOVESE stated the awning would be black like other businesses on Third Street.

MR. MACDOUGALL asked if the applicant knew the dimensions of the table.

MR. POLKA stated that since the tables were 36 inches across and the added clutter of the chairs, the designated area of six and half feet would not be enough room. MR. COOPER asked if MS. GENOVESE already had tables and chairs out. MS. GENOVESE stated she was open to switching from 36 inch tables to 24 inch tables.

MR. POLKA asked where the Conditions were. MR. COOPER stated he had drafted them up earlier. MR. POLKA stated the Liquor Board required a railing at businesses. MR. POLKA again stated it did not seem the tables would fit. MS. GENOVESE again stated she was open to switching to smaller tables if they worked better.

MS. GENOVESE stated that the enclosure she would have temporarily would be flower pots connected by a stake and chain. MS. GENOVESE stated the chain would allow pedestrians to still open their doors.

MR. GIAQUINTO asked if the Planning Board was okay with having just a chain to prevent pedestrians from falling into the street. CHAIRPERSON PALMER stated that having a chain was fine because it was easy to move or take down. MR. POLKA stated he thought it had to be a removable railing.

MR. COOPER read Section 1321.12 of the Zoning Ordinance and stated that outdoor patios could be marked off by means of planters or railings that have an open appearance. CHAIRPERSON PALMER stated that smaller tables were needed to make everything fit well.

MR. COOPER read Section 1321.12.2 of the Zoning Ordinance and stated the sidewalk patio has to leave sufficient unobstructed sidewalk width with a minimum of four feet wide. MR. COOPER stated the Planning Board was addressing seven and a half feet for the concrete sidewalk but said the Zoning Ordinance called for a minimum of four feet. MR. COOPER stated there was three and half feet left for seating.

MR. POLKA asked how the State Liquor Authority (SLA) would fit into the Conditions. MR. POLKA stated that because in past conditions, the applicant had to be in compliance with the State Liquor Authority. MR. COOPER said the conditions could be edited.

MR. POLKA stated he was unsure about the tables. MR. POLKA stated that another business, Ashkers, had set up tables and chairs without receiving approval from the Planning Board. CHAIRPERSON PALMER stated that Code Enforcement would have to speak with them.

MR. POLKA stated, in his personal opinion, that thirteen and a half feet was too tight for tables and chairs. MS. WILLIAMS asked what the Code said about the railings. MR. COOPER stated that a section of the code stated one had to leave sufficient, unobstructed sidewalk with a minimum of four feet for pedestrian access.

Official Minutes
City of Niagara Falls Planning Board
06-01-22

MR. POLKA stated the applicant had seven and a half feet and could move in closer. MR. COOPER pointed out that one of the conditions stated complying with section 1321.12. MR. COOPER stated one of the parts of the section stated that businesses with sidewalk patios must obtain a liquor license extension if liquor was to be served on the sidewalk patio.

CHAIRPERSON PALMER asked if the SLA had their own set of conditions for outdoor liquor consumption.

MR. GIAQUINTO stated he was concerned about people drinking and then falling into the street. CHAIRPERSON PALMER stated that was why a railing is preferred.

MS. GENOVESE stated that since there was no curb cut in front of her business, motorists could park there. MS. GENOVESE stated that there was not only a chain, there would be chairs too. MS. GENOVESE stated that as long as a table was on the curbside, the customers would have their backs to the street. CHAIRPERSON PALMER stated the chain would help.

MR. POLKA asked if this was going to be a recommendation to City Council and MR. COOPER answered yes. MR. POLKA stated the conditions should include the SLA review. MR. COOPER stated he could re-draft the conditions to include the SLA review.

A motion to recommend approval to City Council with conditions was made by MR. MACDOUGALL and seconded by MR. DALLAVIA.

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

MOTION: UNANIMOUSLY APPROVED

2. Recommendation to City Council – Disposal: Applicant, Harrison Davis, requests disposal of city owned property at 1335 Willow Avenue (SBL: 144.63-3-13)

MR. COOPER stated the property was currently owned by the City. The applicant had previously owned three properties, one of them being 1335 Willow Avenue, and they owed back taxes. The applicant was now proposing to pay back taxes on all the properties as the purchase price. MR. COOPER stated he had no conditions for the Action Item because it was a sale of property.

CHAIRPERSON PALMER stated the Planning Board would have to amend the agenda to add the Disposal in because it was a late add on to the agenda.

Official Minutes
City of Niagara Falls Planning Board
06-01-22

A motion was made to recommend adding Recommendation to City Council – Disposal: Applicant, Harrison Davis, requests disposal of city owned property at 1335 Willow Avenue (SBL: 144.63-3-13) to the agenda by MR. GIAQUINTO and seconded by MR. POLKA.

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

MOTION: UNANIMOUSLY APPROVED

A motion was made to make the recommendation to City Council by MR. POLKA and seconded by MR. NOSSAVAGE.

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

MOTION: UNANIMOUSLY APPROVED

OLD BUSINESS

MR.COOPER stated that MR. GREENE had been looking into the business at 1501 College Avenue for MR. POLKA.

MR. GREENE stated he had found four Site Plan Approvals since 2006 for 1501 College Avenue.

MR. POLKA asked if the applicant had site plan approvals. CHAIRPERSON PALMER stated the first site plan approval was from 2006.

MR. GREENE stated he was unsure of what was happening at the property at night but was approved.

CHAIRPERSON PALMER stated he knew the applicant was doing something the Planning Board did not approve of. CHAIRPERSON PALMER stated that the applicant was probably doing something illegal.

NEW BUSINESS

There was no new business.

PLANNING REPORT/COMMUNICATIONS

MR. COOPER presented the following report to show the Planning Board...

Official Minutes
City of Niagara Falls Planning Board
06-01-22

2015	Harriet Tubman Statue	Contract has been approved by Council. I've been working with the Artist to bring her to NF to view the site and other important context; should happen in June. She has said she will provide monthly or periodic updates which we should receive soon.
2015	Hyde Park Shoreline	BN Waterkeeper notified us that they've officially received the grant award for Water Quality Improvement projects in Hyde Park Lake. They'll follow up shortly with a timeline for the project.
2017	Old Stone Chimney	Working with Trowbridge Wolf Michaels to update our contract to finalize design. Funding was provided by Greenway. I spoke with the consultant recently and asked them to revise their proposal. Once we receive that we will have to decide how to move forward.
2018	South End Gateway Area	\$1.5M Reimbursement grant provided by ESD. Believe 502 Niagara St will be the target parcel for redevelopment supported by this grant. URA to own the property. Need to finalize this, extend the grant w/ ESD, and move forward with a developer.
2018	St. Mary's Streetscape	The City has walked with the various departments and ESD to understand the neighborhood conditions. We'll draft a list and price of items to include in the scope of the project and submit to the State.
2018	Niagara River Greenway Connecting Trails	Waiting for DOT to finalize design.
2020	DRI – Small Project Grant Fund	This agreement is being finalized in corporation counsel's office. Should be a kick off meeting shortly. Will seek a consultant to manage the project.
2020	DRI – Streetscape and Main Street Plaza	Contract with State is finalized. Will be holding a kickoff meeting with the Departments. Then we'll work to find the consultant to do public engagement and design.
2020	DRI – Freedom Overlook Park	Contract with State is finalized. Will be holding a kickoff meeting with the Departments. Then we'll work to find the consultant to do public engagement and design.
2020 ?	John B. Daly Blvd Extension	Engineering is working with Stantec to prepare final design drawings.
2020	LaSalle Business District Streetscape	Working with Joy Keubler to finalize design package. Waiting for items from engineering including the project schedule.
2020	LWRP	The Waterfront Advisory Committee held their first meeting on 5/19. Working to release Consultant RFP by weeks end or early next week.
2021	NiCo – Brownfield Cleanup	Working with Niagara County to do environmental site assessments of priority city owned properties. Should have Phase 1's shortly, then will make decision on any Phase 2's.
2021	Walnut and Ferry Redesign	No update since December. Still on schedule according to NYS DOT.
2021	Gill Creek Floodplain Study	Working with USACE to map the floodplain along Gill Creek. Should be done by years end. USACE believes there may be the possibility to remove homes from the floodplain. No update from last month.

Official Minutes
City of Niagara Falls Planning Board
06-01-22

2022	American Rescue Plan	While we are not involved to heavily, we are working to ID a consultant to assist with managing these projects and to provide other expertise like Architectural and Engineering.
2022	Asphalt Art	Grant funding provided by Bloomberg Foundation to NFNHA. They've identified intersection of Main and Portage as priority and are working on design. Needs to be approved by Engineering and other depts. Received prelim design documents. Must schedule a meeting with Departments to review for initial comments and clarify process to move forward.
2022	GObike – Chasm/Monteagle	GObike identified this intersection as a priority to connect the Highland neighborhood more safely to the Gorge. They've prepared a design which will narrow the street with paint. Needs approval of City Engineer.
2022	Cannabis Local Law	In anticipation of State regulations we've been preparing drafts of how the City might regulate the Cannabis industry. We are limited based upon guidance from the State.
2022	Data Center Local law	During this moratorium on construction/approval for these facilities we've been preparing a draft ordinance. Cannot provide an update at this time, but hopefully will be prepared soon.
2022	NORLIC Properties	For a number of years the City has held properties in the South End Gateway area. Unfortunately this has led to a blight on the neighborhood and the loss of many of those houses. We are working with NORLIC to inspect the properties for their suitability for redevelopment. We would then transfer to NORLIC for them to market, sell, and enforce.
2022	Beech Ave Park	Large, neighborhood park in Highland Neighborhood. We're finalizing consultant selection then will proceed with planning process and ultimate design.

MR. GREENE stated that with the weather warming up, more people were building and that would lead to more Level Two Site Plan Reviews.

MR. COOPER informed the Planning Board that MR. SARKEES had resigned to spend more time with his family.

ADJOURNMENT

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

The meeting ended at 6:34PM.