

**Official Minutes**  
**City of Niagara Falls Planning Board**  
**06-15-2022**

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday the 15<sup>th</sup> 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  
Joyce Williams  
Ryan Dallavia  
Ken Nossavage

**STAFF PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Schurron Cowart

**ATTENDEES:**

Brett Stewart  
Elizabeth Foster  
Mary Louise Taezak

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA – FOR THIS MEETING**

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

MOTION: UNANIMOUSLY APPROVED

**APPROVAL OF MINUTES FROM 2022-06-01**

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

MOTION: UNANIMOUSLY APPROVED

**PUBLIC PARTICIPATION**

There was no public participation.

**PUBLIC HEARING**

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

**Official Minutes**  
**City of Niagara Falls Planning Board**  
**06-15-2022**

CHAIRPERSON PALMER stated the public hearing would be tabled until the applicant could figure out a date to appear.

A motion to table the public hearing was made by MR. GIAQUINTO and seconded by MS. WILLIAMS

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. Level Two Site Plan Review – Elizabeth Foster, applicant and owner of property at 331 38th Street (SBL: 159.44-1-18), is seeking approval to construct a fence within the floodplain.

MS. FOSTER presented herself as the applicant. She stated she did not realize how long the process would take to receive approval. MS. FOSTER stated that Code Enforcement should drive through her neighborhood more. MS. FOSTER stated she wanted to build a fence so she could let her dog out.

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

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. Level Two Site Plan Review – Michael Marsch, applicant, for Merani Hospitality Inc, owner of property at 402/430 Buffalo Avenue (SBL: 159.54-1-45), requests an extension of Site Plan approval originally granted on 07/08/2020.

Brett Stewart introduced himself as the fill in for the applicant. MR. STEWART stated the company was looking for one year extension on their project. CHAIRPERSON PALMER asked if anyone had any questions.

MS. WILLIAMS asked how many floors the building would have. MR. STEWART stated that there were currently five stories. MR. STEWART said the project plans were staying the same. MR. STEWART

**Official Minutes**  
**City of Niagara Falls Planning Board**  
**06-15-2022**

stated the COVID-19 Pandemic had impacted their finances. CHAIRPERSON PALMER reaffirmed that all the plans were staying the same and MR. STEWART agreed.

MR. POLKA stated that the company was supposed to present a new site plan because of problems with the proposed drive thru. MR. POLKA stated he thought the plans would lead to traffic problems who live on Sixth Street.

MR. POLKA stated that the company was supposed to redo their plans and bring them back to the Planning Department for approval. MS. WILLIAMS asked if the drive thru was for the planned Tim Hortons and the Planning Board members stated yes.

MS. WILLIAMS asked if the Planning Board had approved the original site plan. MR. POLKA answered they had with the condition that the company would return with a better site plan. MR. STEWART stated that he had come onto the project after that. MR. POLKA stated there were residents who were upset about the traffic being backed up. MR. POLKA stated the project was taking place nearby local Short-Term Rentals. MR. POLKA stated that the Planning Board could approve the extension but the company had to present a new site plan for the Planning Department to look at.

MR. POLKA stated that the 2020 conditions read that the new site plan would be reviewed by the Planning Department and not the Planning Board.

CHAIRPERSON PALMER asked if MR. STEWART needed 12 months or 18 months for the extension. MR. STEWART stated 18 months.

A motion to grant an 18 month extension was made by MR. GIAQUINTO 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

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

MR. GREENE stated the next Planning Board meeting was scheduled for Wednesday, July 13<sup>th</sup>. MR. GREENE requested the Planning Board hold a Special Meeting on Wednesday, June 29<sup>th</sup>. MR. GREENE requested a special meeting due to having two applicants that needed Planning Board

**Official Minutes**  
**City of Niagara Falls Planning Board**  
**06-15-2022**

approval so their outdoor projects could get approved and finished so the applicants could enjoy them. MR. GREENE stated the City of Niagara Falls was looking to do a zoning amendment to the High Energy Center Overlay District and as a part of the process, it would have to go to the Planning Board for recommendation. MR. GREENE asked that the two applications and the recommendation both be on the agenda for the Special Meeting on Wednesday, June 29<sup>th</sup>.

CHAIRPERSON PALMER asked when the Special Meeting would be held. MR. GREENE answered it would be held on Wednesday, June 29<sup>th</sup>.

CHAIRPERSON PALMER stated he would be at home recovering from surgery and that MR. MACDOUGALL would have to handle the Special Meeting as Vice Chairperson.

A motion to hold a Special Meeting on Wednesday, June 29<sup>th</sup> was made by MR. DALLAVIA 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

**PLANNING REPORT/COMMUNICATIONS**

MR. POLKA asked if Costanzos Welding, owner of property at 128 22nd Street, had received a variance for the parking. MR. COOPER stated that it wasn't for parking but for more of the building footprint. MR. POLKA stated he noticed the property was in an I-1 District and the owner should have a ten yard front and rear yard. MR. COOPER stated he thought it was 12 feet. MR. POLKA stated the other parcel that the owner was keeping didn't technically meet the length standards. MR. COOPER asked MR. POLKA to show him the plans.

MR. COOPER stated the owner was not expanding the property so no variance was required. MR. POLKA asked if the Building Department had looked at the plans. MR. COOPER stated that the Building Department had looked at the plans. MR. POLKA stated he did not see any correspondence from the Building Department. MR. COOPER stated he would check with them

**ADJOURNMENT**

A motion to adjourn the meeting was made by MR MACDOUGALL