



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

NIAGARA FALLS PLANNING BOARD TONY PALMER-CHAIRMAN

SPECIAL MEETING Minutes for November 15, 2023

A special meeting of the City of Niagara Falls Planning Board was held on Wednesday, November 15th, 2023 at 6:00 pm in Committee of the Whole, City Hall, 745 Main Street, Niagara Falls, N.Y.

CALL TO ORDER & ROLL CALL

Board Members Present:

Tony Palmer
John Spanbauer
Beverly Callen
Charles MacDougall
Ken Nossavage
Ryan Dallavia
Joyce Williams

Staff Present:

Mike Pesarchick, Planner II

Speakers:

Krystal Smith
Michael Bray

Excused:

Schurron Cowart

APPROVAL OF AGENDA — FOR THIS MEETING

A motion to approve the agenda was made by **Mr. Dallavia**. The motion was seconded by **Mr. Nossavage**.

ACTION ITEMS:

1. Level 2 Site Plan Review: for the project at 3331 Ely Avenue (S.B.L. 159.36-2-43) on behalf of applicant Michael Bray for owner Krystal Smith. Applicant seeks a substantial modification of an existing building within a FEMA Flood Hazard Area, pursuant to Section 1324.4.2(A) (4) of the City of Niagara Falls Zoning Code.

Mr. Palmer asked who was present for the project. **Ms. Krystal Smith** and **Mr. Michael Bray** stated that they were present to speak. **Mr. Palmer** asked if the contractor was present and the name of the contractor. **Ms. Smith** stated that the contractor was **Mr. Keith Brown**. **Mr. Brown** was not present.

Mr. Bray stated that the home was originally a single story home. An entire second story is being added to the home. The only effect to the adjacent property is three foundations that will be set for the deck. The remainder of the addition is literally built over the top of the other portion of the house. The first floor will include two additional bedrooms, an additional bathroom and some additional living space.

Mr. Bray stated that **Ms. Smith** is currently living with her Mother.

Mr. Palmer asked **Mr. Pesarchick** if the home meets the height requirements. He asked if anything was received from neighbors. He asked for any negatives or positives.

Mr. Pesarchick stated yes (the home met the requirements). He stated that they received no comments whatsoever from neighbors.

Ms. Williams asked if letters had gone out to neighbors.

Mr. Pesarchick stated that no letters were sent to neighbors because it was not necessary. He stated that a department review was done and there were no department comments received. **Mr. Pesarchick** stated that the applicant was issued a flood plan permit and they were all set to go. There were no issues with the SEQR.

Mr. Palmer asked if they had any conditions.

Mr. Pesarchick stated that there were conditions.

Mr. Palmer asked **Ms. Smith** if she knew when they planned to have the home completed.

Ms. Smith stated that she was hoping it would be very soon.

Mr. Bray stated they had hoped to get in before the snow within the next few weeks and then complete the interior in another month and a half.

Mr. Spanbauer stated that he drove by the property and was surprised to see how much work had been done before coming to the Planning Board. He asked what happened with not getting the proper permits before the build started.

Mr. Bray stated that when they issued a set of drawings to the permit office, nothing was flagged. They never received any notification that they had to come in to complete anything for a second story addition. The flood plan never came up until **Mr.**

Pesarchick called him and informed him that they needed to go through the process to determine if there were any adverse reactions due to the flood plan.

Mr. Palmer asked **Mr. Bray** where he applied for the permits.

Mr. Bray stated that they applied with the city of Niagara Falls in City Hall.

Mr. Pesarchick state that the Planning Department was not told anything. He explained that Code Enforcement will come over to the Planning Department as soon as something is flagged. In this case the Planning Department heard nothing.

Mr. Pesarchick asked were the building permits issued by the Code Enforcement Department to begin the work.

Mr. Bray stated that as far as he knows, yes, the permits were issued. He stated that the contractor would not have started without a permit.

Mr. Bray stated that **Mr. Pat Ciccarelli** confirmed with him via the phone that the permit was issued. Mr. Bray stated that Code Enforcement is inspecting the property regularly. Mr. Bray apologized that it was missed from everybody's radar.

Mr. Pesarchick apologized to **Mr. Bray** for it not being on the Planning Department's radar as well.

Mr. Palmer stated that he was not happy that something was started, everything comes back and then the Planning Board has to clean it up because protocol was not followed.

Mr. Palmer called for a motion.

A motion to approve the Site Plan was made by **Mr. Dallavia** and seconded by Mr. **Nossavage**.

Tony Palmer	Yes
John Spanbauer	Yes
Beverly Callen	Yes
Charles MacDougall	Yes
Ken Nossavage	Yes
Ryan Dallavia	Yes

Motion Approve Unanimously

Mr. Palmer stated that **Mr. Pesarchick** should check with Code Enforcement pertaining to the permit. He stated that the permit would need to be reissued.

Mr. Pesarchick stated that the permit would need to be issued and the Planning Department would follow standard procedure and put the approval out to every department.

Mr. Spanbauer recommended that the Planning Board get a summary of what happened in this process. He stated that it would be nice to find out where the ball was dropped so the Board could understand what happened.

ADJOURNMENT

Motion to adjourn was made by **Ms. Williams** and seconded by **Mr. Dallavia**.