

NIAGARA FALLS PLANNING BOARD
TONY PALMER, CHAIRMAN
JOHN SPANBAUER, VICE-CHAIRMAN

REGULAR MEETING
Minutes for March 27, 2024

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday, **March, 27, 2024** at 6 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, N.Y.

The meeting was called to order at 6:04 p.m.

CALL TO ORDER & ROLL CALL

BOARD MEMBERS PRESENT:

Tony Palmer, Chairman
John Spanbauer, Vice-Chairman
Beverly Callan
Frank Hanley
Helen Kress
Ryan Dallavia
Joyce Williams

STAFF PRESENT:

Mike Pesarchick, Planner II/HPS

BOARD MEMBERS ABSENT:

Schurron Cowart

SPEAKERS PRESENT:

Jeremiah Smith - Ensol, Inc.
John Battaglia – Ensol, Inc.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited and a moment of silence was observed.

APPROVAL OF AGENDA — FOR THIS MEETING

A motion to approve the agenda was made by **MR. DALLAVIA** and seconded by **MR. SPANBAUER**

MOTION: MAJORITY APPROVED

APPROVAL OF MINUTES

A motion to approve the minutes from the regular meeting held March 13, 2024 was made by **MS. CALLEN** and seconded by **MR. DALLAVIA**.

MOTION: MAJORITY APPROVED

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PUBLIC PARTICIPATION *(All Non-Agenda Topics)*

There was no Public Participation.

ACTION ITEMS

1. Site Plan Approval: for the proposed waste transfer station project at 540 56th Street (S.B.L. 160.10-1-1.1) on behalf of applicant 56th Street Transfer, LLC. Applicant proposes a 16,000-square-foot building for receipt and transfer of municipal solid waste, construction & demolition debris, and single-stream recycling, with associated infrastructure.

MR. PALMER introduced the item. He said that the Planning Board had already reviewed the project at previous meetings and asked if the Board had any last questions. No questions were asked.

MR. PALMER asked for a motion to approve the item.

Motion to approve the Site Plan Approval was made by **MR. DALLAVIA** and seconded by **MR. SPANBAUER**.

TONY PALMER	YES
JOHN SPANBAUER	YES
BEVERLY CALLEN	YES
FRANK HANDLEY	YES
HELEN KRESS	YES
RYAN DALLAVIA	YES
JOYCE WILLIAMS	YES

MOTION: UNANIMOUSLY APPROVED.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Board Membership: Update on recently-vacated position and search for new member.

MR. PALMER said that Phil Salerno had officially resigned from the Planning Board. He said that he felt Mr. Salerno did not know how the Board was supposed to operate and said that if he had questions, it would have “made more sense” for Mr. Salerno to ask questions about the Ensol Transfer Station project from the table rather than the audience at the March 13, 2024, Planning

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Board meeting. MR. PALMER said that the Board followed the speaker sign-in list and Mr. Salerno did not want to speak at the proper time.

MR. SPANBAUER asked the Board what the protocol should be when an applicant asks for questions from the audience. Should they allow people to talk from the crowd? MR. PALMER said they needed to keep the meeting “uniform” so they still needed to follow the speaker sign-in sheet. If people had something to say, they could say it at the same time as the question. Then, the Board would be able to move down the sheet. MR. PALMER said that the Board could not allow the audience to comment on other people’s comments or else they would “lose control” of the meeting.

MR. HANDLEY said that he felt that a “are there any questions” statement from an applicant should be directed at the Board, not the audience. MR. SPANBAUER concurred and said that he felt it was important that “we understand the protocol.” Those wishing to speak are given the opportunity with the sign-in sheet. MR. SPANBAUER said that if someone wanted to “yell out something, that’s when I think we say that you had your chance to sign up.”

MR. PALMER said he would ask at the end of each item if anyone who did not sign up wished to speak so they had an “opportunity to have their say.”

MS. WILLIAMS asked what the Board should do if the presenters ask the audience for questions.

MR. PALMER said that it was the Board that controlled the meeting. Even if an applicant asked that question, the Board still controlled how questions or comments were presented. MR. PALMER said that if there were 20 or 30 people in the audience and everyone started asking questions at once, then the Board would lose control of the meeting.

MR. SPANBAUER recommended to MR. PESARCHICK that the Planning Department speak with applicants ahead of time to ask them to address the Board rather than the audience. MS. WILLIAMS said she agreed.

MR. PALMER said that if any of the Board members had any ideas for new members to talk to them and ask if they wanted to submit a resume to Kevin Forma of the Planning Department. MR. SPANBAUER asked where a resume should be sent. MR. PESARCHICK said they should go to the Planning Department and they’d be forwarded to City Council.

MR. PALMER asked if anybody had any other questions about Mr. Salerno. There were no other questions.

2. SEQR Training: Discussion of the SEQR process and training materials.

MR. PALMER said he called the Planning Department last week regarding the SEQR process and training materials. He said he asked if there could be a training seminar for the members to get them their training credits.

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MS. WILLIAMS asked if the training would be at City Hall like before. MR. PALMER said it would and they would have a light meeting, then they'd do training so they could do it all one day.

MR. HANDLEY asked what the training was. MR. PALMER said it was about the duties of the Board for the SEQR process. MR. SPANBAUER said he recommended the materials the Planning Department sent out, that was a good introduction to SEQR and the environmental impact forms.

MR. PESARCHICK said that the complete SEQR handbook is about 250 pages and available online. There's also a "SEQR Cookbook" which is about 20 pages. He said there's also an online training module which was nice and took about an hour and a half. This contributed to their training requirement. MR. PESARCHICK said the Planning Department would work on that for them and get more information for next meeting.

PLANNING REPORT / COMMUNICATIONS

MR. PALMER asked if there was anything else.

MR. PESARCHICK said the members were provided SEQR material for the Frontier Avenue Blockfusion Bitcoin project and asked the members to send any comments on the material to the Planning Department as soon as possible.

MR. PESARCHICK said that the City was still taking survey responses for the City Market project and handed out flyers for the members to hang up wherever they saw fit. He said the City was trying to get as many people as possible to respond.

DR. KRESS asked, regarding the Blockfusion project, if the Board had to do anything about that. MR. PESARCHICK said it was just comments for now regarding the scope of the environmental review.

ADJOURNMENT

MR. PALMER asked for Motion to adjourn.

A motion to adjourn was made by **MS. WILLIAMS** and seconded by **MR. SPANBAUER**

The meeting was adjourned at 6:20 p.m.