



City of Niagara Falls, New York

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

NIAGARA FALLS PLANNING BOARD TONY PALMER-CHAIRMAN

REGULAR MEETING Minutes for December 13, 2023

A special meeting of the City of Niagara Falls Planning Board was held on Wednesday, December 13th, 2023 at 6:00 pm in Council Chambers, 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
Joyce Williams

Absent:

Ken Nossavage
Schurron Cowart
Ryan Dallavia

Staff Present:

Mike Pesarchick, Planner II
Kevin Forma, Director of Planning

Speakers:

Jeremiah Smith - Ensol, Inc.
Randy Bebout – Bohler Engineering
Dr. Andrew Jackson

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA — FOR THIS MEETING

A motion to approve the agenda was made by **Mr. Spanbauer** and seconded by **Ms. Callen**.

APPROVAL OF MINUTES

1. Special Meeting held November 15, 2023.

A motion to approve the minutes from the Special Meeting held November 15, 2023, was made by **Ms. Callen** and seconded by **Mr. Spanbauer**.

PUBLIC PARTICIPATION (*All Non-Agenda Topics*):

Dr. Andrew Jackson introduced himself. He stated that he had recently moved back to the area after retiring from the military. He said he would like to make an impact on the community and wanted to introduce himself to the Board.

ACTION ITEMS:

1. **Planning Board Recommendation: to declare the Planning Board as Lead Agency for the State Environmental Quality Review (SEQR) process regarding the proposed Chick-Fil-A restaurant project at 6610 Niagara Falls Boulevard (S.B.L. 160.07-3-39), on behalf of applicant Chick-Fil-A, Inc.**

Mr. Randy Bebout, with Bohler Engineering introduced himself and stated that he is there on behalf of Chick-fil-A, Incorporated.

Mr. Bebout provided a brief history on the project. He stated that Benderson Development was the landowner of the plaza. **Mr. Bebout** stated that the location of where they are proposing the Chick-fil-A is a 9,000-square-foot space within the plaza. There is an existing operational GameStop out front that will be demolished. The space where the Chick-Fil-A is proposed is currently crushed stone with existing utilities set up from the original plaza.

Mr. Bebout said that the intent is that Chick-fil-A will lease 1.2 acres of the plaza from Benderson Development for a proposed Chick-Fil-A, restaurant, approximately 5,000-square-feet with drive-thru.

Mr. Bebout showed the Board the proposed site which included the main building and the drive thru area and two drive-thru canopies. One canopy is referred to as the meal order canopy, where the menu boards are located. There will also be team members there that are taking orders. The second canopy is the meal delivery canopy located on the north side of the building. Unlike other quick-service restaurants that use a drive-up window, Chick-fil-A, is now using doors so the team members literally walk out the door and hand the customer their meal. **Mr. Bebout** said that this can be done over multiple lanes and over multiple cars at the same time.

Mr. Bebout stated that the building meets all the zoning requirements for setbacks in green space and parking. They are not asking for any variances.

Mr. Bebout stated that the proposed front setback just a little under the 118 feet setback from [Niagara Falls Boulevard] about 50 feet from the east side of the building

to the property line where the motel is located. The drive-thru, from the meal order canopy which is on the north side of the building, all the way back to the point where you would enter the drive thru lane, has a capacity of approximately 38 cars.

Mr. Bebout stated that this is a pretty good capacity, probably in the average, maybe a tick over some of the existing sites. It fits well into the expected volume. This plaza was originally designed to have 368 parking spaces on a full build-out; currently, there are 335 spaces. Then with the Chick-fil-A, there will be 353 parking spaces that meet all the code requirements. The 5,000-square-foot building as proposed is a little less of requirement than what the 9,000-square-foot retail building was going to be, which is the represents the reduction in the number.

Mr. Bebout stated that the restaurant will operate between 6:30 a.m. and 10:00 p.m., Monday through Saturday. The restaurant will be closed on Sundays. A typical shift will have 15 team members, and there's a three shift rotation throughout the day. During the peak hours, as the operator sees fit depending on the volume, they will send out anywhere from one to four team members that will help assist in the ordering process. The team members wear reflective vests so they are very visible. There is a very specific design to the drive thru to head straight. There are designated areas on the inside of curb for the drivers and the team members are located in the striped areas. This is a part of the checkpoint safety protocol.

Mr. Bebout stated that the dumpster enclosure is located in the front of the building and there is an attach shed to that dumpster enclosure. The enclosure materials are designed to match the building, which is a brick façade. The dumpster enclosure is a brick façade so they all kind of fit together.

Mr. Bebout stated that there would be outdoor seating with approximately 14 seats.

Mr. Bebout stated that waste pickup is done by local licensed refuse company deliveries. The restaurant will get tractor trailer deliveries. The deliveries are done during really an off hours in the middle of the night and the design will allow the trucks to get in and around the parking lot. The trucks unload, leave and nobody ever knows that they were there. The deliveries are typically up to five times a week depending on the volume they are experiencing.

Mr. Bebout stated that this site was designed for previous buildings so there's water and sewer lines that come from Fashion Boulevard over to the site. They are not going out to the DOT right away for water sewer connections but will do them on-site. In regards to the driveways, they are not proposing any changes. Chick-Fil-A is not seeking any permits. The site does have two driveways on Niagara Falls Boulevard, there's two driveways on Fashion Outlet Boulevard and two driveways up on Mooradian Drive. He stated that there are a lot of means to get into the site.

Mr. Bebout stated that existing there's an existing storm water pond in the northeast corner of the site. Currently, the entire site as a close storm sewer system and catch basins. The storm water all gets collected, and then gets directed that pond. They are making some modifications with this development but will follow the same pattern. The project will disturb greater than an acre of land and will thus require a Stormwater Pollution Prevention Plan. They will not be required to address anything from a quantity standpoint, but will address quality through a water quality structure, essentially a kind of a catch basin with a watertight NEC system. This helps treat the water before it gets discharged into the existing pond.

Mr. Bebout stated that this facility will be run by a local operator that Chick-fil-A will select. A typical facility like this will end up hiring between 100 and 125 team members to run the operation. When the facility opens, they will have two new team members and what they do is they bring in what is referred to as a "grand opening crew." The grand opening crew consists of a large number of people that come in and stay locally to work at the facility for up to a month while they train all the new staff. It really just helps with that grand opening, alleviate the learning curve, and makes things run a lot smoother. This is the standard for all the new facilities. The grand opening crew will also help manage the traffic on site for the first 30 days. Chick-fil-A takes a lot of pride in the cleanliness of their site and always maintains the inside of the building. Chick-fil-A is very active in the local Chamber of Commerce and partner with local charities at the operator's choice.

Mr. Bebout stated that as far as construction goes, they are going to work through approvals and Chick-fil-A, anticipates completion of this project for Spring of 2025 but they feel pretty comfortable that moving the project up to the fall of 2024. The duration of that construction is about six months from beginning to end.

Mr. Palmer asked if the GameStop Building was coming down. **Mr. Bebout** stated that it would come down.

Mr. Palmer asked if the entrance will be on the north side of the building.

Mr. Bebout stated that the majority of people would come off Niagara Falls Boulevard. There are two entrances. Both are full access, meaning you can enter and exit out of those driveways. There are two on Niagara Falls Boulevard and the one closest to the intersection is two lanes out. You can turn left or turn right and one lane entering. The entrance to the east is one lane entering and one lane to exit.

Kevin Forma asked when the cars come in off of Niagara Falls Boulevard, where would the cars go.

Mr. Bebout pointed out the quickest route, during peak hours. He stated that if there if one area gets backed up, then people would have the ability to move to another area or then they can be stacking along the front of the store.

Mr. Bebout said that the Grand Opening Team would help direct traffic.

Mr. Bebout stated if they see that congestion starting, they'll help, they'll go out there and literally guide people to where they should be going.

Mr. Palmer stated that the team would only guide cars that are on the property.

Mr. Palmer stated that what he is concerned with is the very congested corner. He stated that coming out of that one section, where there is a right and left turn, basically a left is almost impossible to make.

Mr. Palmer stated that there will probably be some complaints to shut down that left turn period because you can't get out by making a left turn now. He stated that you can barely make a right turn there because of traffic.

Mr. Bebout stated that the beauty of this site is that there is other ways to get out and that people who frequent the plaza will learn that there's some other avenues to get out. There are some other relief points to get out as well.

Mr. Palmer stated that basically that going into the place will be easy but getting out is going to be the hard part.

Mr. Palmer stated that going to Mooradian Drive and having an option to going up to the Factory Outlet Mall or coming back around to 70th Street to exit out to the Boulevard would clear up some congestion. He stated if we go up to Mooradian and come out, with the option of going up to Factory Outlet Mall or coming back around to 17th Street to exit out to the boulevard, it would clear up some congestion.

Mr. Palmer asked if there was anything available from a traffic study.

Mr. Bebout stated that there was no traffic study. He stated that there will be a traffic study completed and will work with **Mr. Pesarchick** to present it before the next board meeting.

Mr. Bebout stated that based on their knowledge, they don't anticipate that the traffic study is going to show any mitigation. They know the level of services are under some difficult movements on the site and will provide the information.

Mr. Palmer stated that he would like to request that is some type of traffic report included with the site plan submission.

Mr. Pesarchick stated the traffic study will be needed for the SEQR.

Mr. Forma stated that was what the action for the meeting today. He stated that he prefers to see that as a part of the package.

Mr. Palmer stated that the traffic report is vital.

Mr. Bebout stated that they would probably have a traffic study within two or three weeks due to the holidays.

Mr. Spanbauer stated that he goes to the plaza five times a week to use the gym. He stated that his biggest concern was exactly the traffic study. He noted that Starbucks has cars going out of the exit indicated by Mr. Bebout. He stated that cars build-up on the lane going into Starbucks drive. Adding a Chick-Fil-A, which will be a great addition to Niagara Falls, but it is going to get busy.

Mr. Spanbauer stated that traffic will be backed all the way to Niagara Falls Blvd. trying to get to the restaurant. Mr. Spanbauer stated that he agreed with Mr. Palmer one hundred percent. He stated that the left hand turn will cause problems, it's an accident waiting to happen.

Mr. Spanbauer stated that the intersection down the street has had many fender benders in the last month as this traffic picks up around the holiday season. He stated that he can see this just fender bender after fender bender happening and a big mess.

Mr. Spanbauer stated that Mr. Bebout was right in stating that people could leave through Mooradian Drive and go through Tops Market. He stated that locals know that but his concern is leaving the restaurant and traffic coming along Niagara Falls Blvd.

Mr. Palmer compared this project to the Tim Hortons on Hyde Park Blvd. and on Military Road where there is a backup of traffic.

Mr. Spanbauer reiterated his main concern that if the traffic gets backed up in the drive thru, it will back up traffic on Niagara Falls Boulevard.

Mr. Spanbauer stated that application submitted to be changed. The application asked if the development will have a negative effect on traffic. He stated that the "NO" box was checked and it should say yes.

Ms. Callen stated that she agrees with both gentleman concerning the traffic. **Ms. Callen** asked if they could prohibit a left hand turn there and rearrange your traffic to go out another way. She stated that she believed it would save a lot of accidents.

Mr. Bebout stated that he had to be careful what he said because this is part of a plaza that other tenants that have lease requirements restrictions. He stated that he could discuss it with the property owner. **Mr. Bebout** stated that later at night or very early morning, that that movement might work. He stated that there is a benefit to having it versus if they could get rid of it. People would be still going to do what they want to do, unfortunately. He stated that there might be a benefit to leaving the left turn, understanding that the local people are going to know that they are not going to make that move.

Mr. Spanbauer stated that he is all for the project but wants to make sure that they look at the traffic.

Mr. Bebout stated that they are going to do the traffic study and look at that concern with where the entrance is located. He stated that he would envision, most likely grand opening that will probably be close. They will maximize the stacking all the way through. They will cut it off and help people get through the drive thru. Mr. Bebout stated that having some kind of signage that encourages people to go a different way might be helpful.

Mr. Spanbauer made a suggestion to how the traffic could flow and how it could help with backup.

Mr. Bebout stated that was a great point but Chick-fil-A was limited on the access to plaza because of the other tenants.

Mr. Bebout stated that they would be doing site lighting, dark sky compliant lighting, and adding some landscaping, to provide a little more green space than sits on the site today.

Mr. Bebout showed the Board what the building would look like. It would be all brick, with glazing around the trims and windows. He showed the Board a picture of the Walden Avenue site. He explained that the canopy design is to make it as sleek and minimalistic as they can. The profile on the roof is about nine inches, which is about the smallest they can make it in the Northeast climate snow loads. Underneath there's heaters and fans. Those are amenities for the team members.

Mr. Spanbauer asked if Chick-fil-A look at any other locations in the city.

Mr. Bebout stated that they were actually hoping to be in this spot a year ago. Unfortunately he didn't have any information on another site.

Mr. Palmer called for a motion for the Board to be the lead agency on the project. A motion was made by **Ms. Williams** and seconded by Mr. MacDougall.

2. Planning Board Recommendation: to declare the Planning Board as Lead Agency for the State Environmental Quality Review (SEQR) process regarding 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.

Jeremiah Smith introduced himself as the representative for the applicant on this project. He stated that it's a waste transfer station, which basically where smaller curbside collection vehicles are brought. The contents are dumped on the tipping floor of the transfer station and that waste is rebuilt and put into larger full sized trailers. The whole purpose of the transfer station is just consolidation of waste to

larger trucks, making it more efficient to get that waste to its final destination. The existing lot right is pretty much entirely vacant. The surfaces are rushed concrete and gravel surface from the previous occupant's use.

Mr. Smith stated that the main building is a 16,000-square-foot, metal building. It is basically wide open with a concrete floor. This is the tipping floor, where the trucks dump their waste. There are sunken loading bays, where the transfer trailers back into and dump in the consolidated waste. Those trailers pull back out and go off site to their final destination. A second smaller structure to the right of the transfer station, is a pavilion styled structure that if needed, the operator will park preloaded trailers underneath that pavilion. The last loads will stay on site until the next day until they can be brought to the landfill. The DEC highly recommends that a covered structure to prevent precipitation from getting into that loaded truck and creating leeching running on the ground. So being a covered pavilion structure will minimize that leech generation. The main transfer station tipping floor and the pavilion structure will be sloped with all drainage directed to catch basins. The liquids, which will be combined flow through an oil water separator before being discharged to the city's combined sewer system.

Mr. Smith stated that the applicant is not changing the conditions but will pave the immediate interiors section. It's really not a change as far as impervious surfaces goes. The storm water runoff will not change to what's occurring now, which is sheet flow to the existing catch basins. There's no existing utilities out there. They will need to establish new electric and water surfaces coming in and that combined sewer line going out.

Mr. Smith stated there will be six to ten employees at the facility. The facility is fully permitted with the New York State Department of Environmental Conservation. They meet all their requirements for a waste management facility which was included in the application materials (the facility manual). The manual is basically the day to day operations guide to describe how they handle the facility to ensure protection of the environment and public health. The facility is not a disposal facility, there's no waste disposal occurring on site. No waste stays there longer than allowed by state regulations. If waste is left, it's usually just overnight when we can't make it to the landfill with the last load. The tipping floor itself is required to be cleaned at the end of each day. That prevents nuisance conditions from developing odors or attracting effectors. Typically when you maintain the facility properly, the odors don't become a problem. That is one of the number one questions about these facilities about odors. The first line of defense is proper maintenance and cleaning it daily as required. The overhead doors can be closed, as much as possible during operation to help minimize odors, if needed. The worst case scenarios, there are misting systems that you can install inside the building to be like a permanent deodorizer. Knowing that that's odors are usually a concern for these types of facilities, dollars can be added and whenever it's deemed necessary to prevent a problem.

Mr. Spanbauer asked why there is a need for this facility. Who is the customer?

Mr. Smith stated that they would be needed long term. He stated that Allied Landfill has a limited life, they have a limited amount of airspace that they can fill, and they are done. Once they are done, the waste doesn't stop being generated in the local community and will need somewhere to go, which would be another landfill. These types of transfer stations are that stepping stone point from curbside collection to the landfill. The transfer station will fill a hole in the market that we'll be developing in the future.

Mr. Spanbauer asked who will be coming to them with their waste.

Mr. Smith stated that it could be the typical waste collection companies like your Modern and Cascades. He stated that a very small portion will be roll off containers for residents to drop off waste directly. Contractors are typical customers that use the services. They will accept municipal solid waste, which is your typical curbside waste, construction demolition debris and single stream recyclables.

Mr. Spanbauer asked if it will be charged by the pound.

Yes and it also goes by tonnage. They have scales up on the northern middle section. They have a dedicated scale to weigh and a dedicated to scale to weigh out at the same time.

Mr. Spanbauer stated that the packet was one of the better received. He thought the traffic study was extensive and provide a lot of needed information. He asked Mr. Smith if he was familiar with Covanta (a waste processing facility) and the rodent problem caused by them.

Mr. Spanbauer stated that it was his hope that the applicant has some type of rodent control program in place. Mr. Spanbauer stated that one question the public might have is if they would have a problem with rodents all over again. He stated that being able to tell residents that this treatment facility has an aggressive rodent policy is important.

Mr. Smith stated that rodent control is talked about in the manual. He stated that the primary line of defense is cleaning it daily and not leaving waste sitting to attract them. Mr. Smith stated that the primary means is keeping it clean and the secondary means that is discussed in the manual, if needed, is to employ a pest control specialist.

Mr. Spanbauer stated that they should be prepared because this will be a major concern for residents.

Mr. Smith asked what Covanta solution was.

Mr. Spanbauer stated that they put in aggressive policy rodent control.

Mr. Smith stated that he would look into beefing up rodent control measures and get them to the Board as soon as possible.

Tony Palmer stated that he concurred with Mr. Spanbauer that the report was one of the most detailed reports that they received. Traffic and noise control are two of the biggest issues in an industrial area because across the street is a residential area. There is a lot of truck traffic on 56th Street, Buffalo Avenue and the Boulevard. He stated that was very impressive.

Mr. Palmer called for the motion to declare the Board as Lead Agency for the SEQR review process.

Motion was made by **Mr. MacDougall** and seconded by **Mr. Spanbauer**.

Mr. Smith stated that noise levels is strictly regulated by the DEC. They define daytime operating hours as between 7:00 a.m. and 10:00 p.m. The applicant will only operate within those hours and they have specific decibel limits that are applied at the nearest residential property. The noise analysis was focused on determining what the impact would be at that closest residential property. It was not above the urban decibel level.

OLD BUSINESS:

Mr. Forma stated that he knew there were some concerns regarding the application that came to the Board from 3331 Ely Ave. He stated this was a case where the contractor and the architect both went ahead without obtaining any permits via the city. The process in itself ended up working because Code Enforcement drove by the property and found this house being ripped apart. The roof of the house was removed when they caught them.

Mr. Forma stated that when the owners came to us to settle this, he thinks the way the Board tried to operate was rather than having them stop work right away, we did go through with the process. Mr. Forma spoke to the architect personally and essentially provided him with one warning. The Planning Department and Code Enforcement are going to keep the name of the names of the architect and contractor on a list to ensure that this can't continue to happen. The understanding was that we're not going to stop your work, because we didn't really want this woman to have no room for a while. The caveat to go forward was, if the Planning Board requires changes, the architect and contractor are going to need to accommodate those changes before we give you any certificate of occupancy for this structure.

Mr. Forma stated that it was nobody at City Halls fault that, we can't control the actions of every contractor that's out there. **Mr. Forma** stated that he appreciate that the Board

entertained it and then pass this through but wanted the Board to know that the department would never send you something that you cannot comment on and or change if you feel it's appropriate.

Mr. Palmer stated that architect is from Williamsville area. There is no way that they would have done this in the Williamsville area without getting their permits first. Mr. Palmer wanted the contractor to know that the Board will not put up with starting a project without the permits. The contractor did not show up to the meeting.

Mr. Spanbauer stated that he appreciated Mr. Forma reporting back to the Board. He stated that the architect implied that the City dragged their feet in the process. Mr. Spanbauer stated that he hoped the contractor would receive a fine for not following the City's policies because that's how they could hold them accountable.

Mr. Palmer stated that the applicant stated that they applied for a permit.

Mr. Forma stated that applying for a permit and actually obtaining a permit are very, very different things.

Mr. Forma stated that the contractor had the home owner home owner apply for the permits, which is not very typical. The contractor should be the one to obtained the permits and have the permits in place before starting the work. That that would have triggered Code Enforcement to say, this should have gone through Planning Board Review. **Mr. Forma** stated that he would talk to Code Enforcement about imposing a fine. **Mr. Forma** stated that the contractors are licensed in the city as well. At some point there, there would need to be some action on the contractor license, and their ability to work in the city if they continue to work without a permit.

Mr. Spanbauer stated that the contractor should be cited and told that if you don't have a permit you will not be allowed to work in our city.

Mr. Forma stated that this could also hurt the homeowner. The contractor could do anything to the house and the house could be unsafe. He stated that he wanted the Board to know that the system did work.

NEW BUSINESS:

1. **Waterfront Advisory Committee (WAC):** Discussion and recommendation of a Planning Board member to serve on the Waterfront Advisory Committee (WAC) for the City of Niagara falls Local Waterfront Revitalization Program (LWRP).

Mr. Palmer made a recommendation that **Mr. MacDougall** serve as the representative for the Planning Board because the Board should have a representative on the committee.

Mr. Forma stated the next meeting would be February 24, 2024. He stated that he would keep **Mr. MacDougall** on that list. It will be a three year project. If the Board needs to switch someone out, that can be done later.

Mr. Spanbauer stated that it would be nice to have someone to report back. He asked when the last meeting was and if there was a Power Point he could view.

Mr. Forma stated that the last meeting was right after Thanksgiving. He stated that the Waterfront Advisory Committee covers the whole city and what they're going to try and do is meet at different locations around the city.

Mr. Forma asked that if Board Members want to participate in anything, please contact him or **Mr. Pesarchick**.

Mr. Forma provided an overview of the upcoming project. He stated that the first meeting was the kickoff. It will be a three year process in the planning process. The Department of State is heavily involved in this and they are going to come to the Board and there will be a lot of back and forth. The Department of State will take some information, begin writing chapters and create a document. He stated that it will be a lengthy document once it's completed but the idea here is that we're going to be looking at and reviewing the waterfront throughout the city. This includes all of Gil Creek, Hyde Park, Lake Cayuga Creek, other areas and access to and from those areas. **Mr. Forma** stated that the current area, that's includes the LaSalle Expressway looks at the connectivity between the Buffalo Ave. corridor, Main Street, up towards DeVeaux and everything west of that. The committee will look at all those areas along Buffalo Ave, through the waterfront, to see if there's projects and recommendations that can eventually be looked at and try to get people connected a little bit more to the waterfront here.

Mr. Forma stated that the document ends up becoming an extremely powerful document because then it's binding on all state agencies as well as local agencies. The document gives the Planning Board some additional tools. It could provide new recommendations in terms of zoning and what supplement zoning the Board might look at.

Mr. Forma stated that since he's been the director, a lot of folks have complained about the gym that went in on Buffalo Avenue. and that sits on the water. It may not be the most appropriate water waterfront activity. The committee will begin to kind of flesh that out and there'll be a very public process throughout this whole thing.

Mr. Palmer stated that extensive work was done to complete the gym. The board held a public hearing for the gym. The building was not bad looking.

Mr. Spanbauer commented that it beautiful work. It looks out over the water.

Mr. Spanbauer asked for the power point from the first meeting.

Mr. Forma stated that we would look into it and see like if there was anything presented that we could send Mr. Spanbauer.

Mr. Pesarchick stated that he would look on the website and get the materials to **Mr. Spanbauer** the next day.

2. **Planning Board Member Terms: Discussion of Planning Board members' terms and reappointment of Charles MacDougall and Ken Nossavage.**

The next item on the agenda was the reappointment of **Mr. MacDougall** and Mr. Nossavage to the Planning Board, as their terms were expiring. **Mr. Pesarchick** said **Mr. MacDougall** submitted a letter of intent to return. **Mr. Nossavage** has not submitted his letter but has expressed his interest in coming back.

Mr. Forma stated that he is hoping to have a quorum for next week's City Council meeting. He is going to try and get on the agenda just for the reappointment. If not, he'll keep pushing to get that on as quickly as possible.

Mr. Pesarchick stated that **Mr. Nossavage** was up for reappointment. **Mr. Nossavage** came onto fulfill Michael Murphy's term, the remainder of his term, which expires December 31 of this year so he's up for reappointment. Mr. Nossavage did express his interest in doing so he just hasn't made it official yet.

Mr. MacDougall asked when the next scheduled meeting was. **Mr. Pesarchick** stated that he had no items for December 27th.

Mr. Palmer recommended that the next Planning Board meeting be in January when the Board reorganizes.

Kevin Forma stated that he could send out a draft for the 2024 Calendar but was waiting for the Council Agenda.

Mr. Palmer suggested that the Board wait until the Council Agenda and work around the Council's calendar.

Mr. Palmer stated that if there was no agenda items for December 27th, the meeting is cancelled.

PLANNING REPORT / COMMUNICATIONS:

Mr. Palmer asked that when the Planning Department hears anything like the Waterfront Advisory Committee, to give the Board a heads up. If they don't have all the information, it can be provided when the information is available.

Kevin Forma stated that the Planning Department will do their best and he asked if the Board members feel like something needs to be on the agenda, a discussion item needs to be added, send it to Mr. Pesarchick.

Mr. Pesarchick stated that he is working with the applicant at the Third Street location. The applicant has not submitted an application. There is a project moving at the old Niagara Gazette Building on Third and Niagara to convert it to mixed use with apartments and retail. **Mr. Pesarchick** asked that, given that the surrounding neighborhood is sort of mixed residential commercial, would the Board anticipate a public hearing being necessary.

Mr. Spanbauer asked for the criteria.

Kevin Forma stated that it is at the Board's discretion to do a public hearing.

Mr. Spanbauer stated that he would prefer to be on the safe side and have people be able to give an opinion.

Mr. Palmer stated that he would like the Board to provide transparency to inform the public of the Board's decision.

ADJOURNMENT

A motion to adjourn was made by **Mr. Spanbauer** and seconded by **Mr. MacDougall**.