



# City of Niagara Falls, New York

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

September 23 2020

## NIAGARA FALLS PLANNING BOARD

**RECOMMENDATION TO CITY COUNCIL**  
**Rezoning of 5658 Simmons**

Pursuant to action taken by the Niagara Falls Planning Office on the 23rd day of September 2020 your request is hereby **APPROVED**.

**NAME OF OWNER:** Mercedes Ababurko

**ADDRESS OF ACTION:** 5658 Simmons Avenue

**PURPOSE:** Rezone from I1-Industrial to R1-C Detached Single Residential

*This Recommendation to City Council is hereby **APPROVED**.*

DATE: September 23, 2020

  
\_\_\_\_\_  
Tony M. Palmer, Chairman  
Niagara Falls Planning Board

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**RESOLUTION  
OF THE  
NIAGARA FALLS PLANNING BOARD**  
City of Niagara Falls, New York

AT A REGULAR MEETING OF THE CITY OF NIAGARA FALLS PLANNING BOARD DULY CALLED AND HELD ON THE 23RD OF SEPTEMBER 2020:

**WHEREAS**, the Planning Board has reviewed Mercedes Ababurko's petition and application to amend the zoning for **5658 Simmons Avenue (SBL #160.06-5-11)**, from its current classification of I2 - Industrial to R1-C Residential-Detached Single which would permit Ms. Ababurko the ability to utilize the single family house as her primary residence and;

**WHEREAS**, the proposed recommendation requires that the City's Schedule 8: Official Zoning Map be amended to re-classify 5658 Simmons Avenue, from I2 - Industrial to R1-C Residential-Detached Single according to the map attached hereto, and;

**WHEREAS**, the City Council did subsequently approve a new Zoning Ordinance which took effect on July 24, 2009, and;

**WHEREAS**, the currently classification of 5658 Simmons Avenue as I2 - Industrial prohibits the use of the structure as a residence, and;

**WHEREAS**, the circa 1900 two story stone house at 5658 Simmons Avenue was originally constructed as a farmhouse that has been perpetually used as a residence, and;

**WHEREAS**, the Planning Board held a Public Hearing on September 9, 2020 with notice of such hearing duly advertised in the Niagara Gazette and otherwise duly notified by mail to all owners of property within 500' of the subject site regarding said petition, and;

**WHEREAS**, the Planning Board has determined that this action would not likely be injurious to the surrounding neighborhood, and will likely be beneficial overall to the immediate neighborhood and the entire community, and;

**WHEREAS**, the Planning Board has determined that the most prudent action is to amend the Zoning Map, as attached, and;

**WHEREAS** the City Planning Board has assumed lead agency status for the purpose of environmental review of this proposal, and the City Planning Board has determined that, the project proposal constitutes an unlisted action, and;

**WHEREAS** the City Planning Board carefully considered the criteria for determining significance as set forth in the SEQRA regulations 6 NYCRR § 617.7(3), and;

**WHEREAS** the Planning Board has determined that the proposed action furthers the goals and objectives within the City of Niagara Falls Comprehensive Plan, and;

**NOW, THEREFORE BE IT HEREBY RESOLVED** that the City Planning Board, acting as lead agency in accordance with SEQRA regulations and local law, determines that the zoning reclassification will not have a significant adverse impact on the environment, and;

**FURTHER BE IT RESOLVED** the Planning Board has determined that the interests of the community would be better served by amending the zoning district boundaries for the property identified herein from I2 - Industrial to R1-C Residential-Detached Single, and;

**FINALLY BE IT RESOLVED**, the Planning Board, having followed those procedures as prescribed under Chapter 1308 of the City Zoning Ordinance, hereby recommends the Niagara Falls City Council amend the Official Zoning Map as per the attached schedule.

Date: 9-23-2020

  
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Tony M. Palmer, Chair  
Niagara Falls Planning Board