

**Official Minutes**  
**City of Niagara Falls Planning Board**  
**Feb. 8, 2023**

A regular meeting of the City of Niagara Falls Planning Board was held on Wednesday, February 8, 2023 at 6:00PM in Council Chambers, City Hall, 745 Main Street, Niagara Falls, N.Y.

**CALL TO ORDER & ROLL CALL**

**BOARD MEMBERS PRESENT:**

Tony Palmer  
Charles MacDougall  
Beverly Callen  
Joyce Williams  
Timothy Polka  
Shurron Cowart  
Ken Nossavage  
Ryan Dallavia  
John Spanbauer

**STAFF PRESENT:**

Kevin Forma, Director of Planning  
Edyta Chorostkowska, Env Planner

**BOARD MEMBERS EXCUSED:**

**ATTENDEES PRESENT:**

Rich Ries  
Adam Sorbert

**PLEDGE OF ALLEGIANCE**

**BOARD REORGANIZATION – ELECTION OF OFFICERS FOR 2023**

MR. FORMA asked the Board if there was a nomination for a new chairperson. Mr. MACDOUGALL nominated MR. PALMER and seconded by MR. NOSSAVAGE.

**MOTION: MAJORITY APPROVED**

MR. FORMA asked the Board if there was a nomination for a new vice chairperson. Mr. MACDOUGALL nominated MR. POLKA, who declined the nomination due to other obligations. MR. MACDOUGALL nominated MR. SPANBAUER, who declined the nomination. MR. PALMER nominated MR. MACDOUGALL and seconded by MS. COWART.

**MOTION: MAJORITY APPROVED**

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MR. FORMA reminded the Board of upcoming four-hour training requirements mandated by New York State. MR. FORMA then turned the gavel over to MR. PALMER.

**APPROVAL OF AGENDA – FOR THIS MEETING**

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

**MOTION: MAJORITY APPROVED**

**PUBLIC PARTICIPATION**

There was no public participation

**APPROVAL OF MINUTES FROM 12/7/2022 AND 7/27/2022**

A motion to approve the meeting minutes from 12/7/2022 was made by MR. DALLAVIA and seconded by MR. MACDOUGALL.

**MOTION: MAJORITY APPROVED**

MR. SPANBAUER abstained from the vote because he did not attend the 12/7/2022 meeting.

MR. PALMER said that the meeting minutes for the 7/27/2022 meeting needed to be approved because they were not previously approved on the record.

A motion to approve the 7/27/2022 minutes was made by MS. COWART and seconded by MR. POLKA.

**MOTION: MAJORITY APPROVED**

**PUBLIC HEARING**

There was no public hearing.

**ACTION ITEMS:**

1. Public Meeting: for the purpose of the construction of a Tier 3 solar facility at 4214 Highland Avenue, 4110 Highland Avenue, 1524 Pennsylvania Avenue, and 1530 Delaware Avenue. The project includes the amalgamation of 20 parcels and three abandoned City parcels.

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MR. PALMER read the description and confirmed that this item was to schedule a public hearing date. MR. PALMER asked if the hearing was to be at the next meeting of the Planning Board or the following. MR. FORMA said that the hearing could be at the 2/22/2023 meeting in order to have enough time to get notifications out. MR. PALMER concurred and asked for a motion.

Motion to set the public hearing date for February 22, 2023, was made by **MR. NOSSAVAGE** and seconded by **MR. POLKA**.

JOHN SPANBAUER:	YES
CHARLES MCDUGALL:	YES
TIMOTHY POLKA:	YES
RYAN DALLAVIA:	YES
SCHURRON COWART:	YES
JOYCE WILLIAMS:	YES
KEN NOSSAVAGE:	YES
TONY PALMER:	YES

**MOTION: MAJORITY APPROVED**

**2. Planning Board Bylaws**

MR. PALMER said that the planning board bylaws could have been under communication, and they could be looked at to see if any changes needed to be voted on. MR. SPANBAUER said that the bylaws had not been amended since 2001 and that the Board might want to consult with other municipalities to compare bylaws. MR. SPANBAUER said that the Board could then debate the bylaws at future meetings and potential changes.

MR. DALLAVIA said that it was his understanding from a four-hour training course that bylaws have to be approved and couldn't be revisited later. MR. PALMER said he wasn't sure, and MR. DALLAVIA said that it might be a question for corporation council. MR. FORMA said he would follow up with the corporation council. MR. PALMER said the Board could approve the bylaws and return. MR. DALLAVIA reiterated that this was not possible. MR. PALMER asked if the item could be tabled and asked for a motion to table the item.

Motion to table the item was made by **MR. DALLAVIA**, seconded by **MR. SPANBAUER**.

JOHN SPANBAUER:	YES
CHARLES MCDUGALL:	YES
TIMOTHY POLKA:	YES
RYAN DALLAVIA:	YES
SCHURRON COWART:	YES

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JOYCE WILLIAMS:	YES
KEN NOSSAVAGE:	YES
TONY PALMER:	YES
BEVERLY CALLEN:	YES

**MOTION: MAJORITY APPROVED.**

**PUBLIC HEARING:**

There was no public hearing

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

MR. PALMER brought up 6200 and 6390 Niagara Falls Boulevard. MR. FORMA said that these properties are on the northwest corner of I-190 and Niagara Falls Boulevard. There is a proposal for a truck stop and travel plaza at this location and there are ongoing conversations with the NYS Department of Transportation (DOT) for the project. MR. FORMA said there are other NYS DOT conversations going on with a reworking of the entire Niagara Falls Boulevard intersection with I-190 and that the truck stop proposal would go through as-is.

MR. FORMA said there is a proposal to build a hotel at 9400 Niagara Falls Boulevard and that this item was originally scheduled as an agenda item. He said that the city is waiting on the owners' approval for the hotel and expects that to be on the Board agenda once approval is given.

MR. FORMA said the planning department has received an application from Rainbow Air at 1625 Buffalo Avenue for a new facility as Rainbow Air recently moved out of its original downtown headquarters. The new facility would be a new build in the back of an existing building and would include interactive exhibits such as virtual flight tours. He said an advantage of this location is that helicopter tours would not be overflying any apartments. MR. SPANBAUER asked if there would be an environmental study for that. MR. FORMA said there would be a SEQR review and that Rainbow Air was not altering the main building at the site.

**PLANNING REPORT / COMMUNICATIONS:**

MR. FORMA updated the Board on staffing changes in the Planning Department. He said that he hoped to have the Planner II role filled by June and that the department intern interviewed for the position. Some final hurdles had to be cleared before any official announcement was made but he

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hoped to have the department filled soon. MR. FORMA also said that the job posting for the planning clerk position had good responses and he was interviewing candidates next week.

MR. FORMA said there was some interest in revisiting the 2009 Comprehensive Plan by some of the new Council members and agreed that the plan needed to be revisited. He said that the general sense is that the Board will discuss the course of action going forward and that the City may consider hiring an outside consultant to assist in the process. The zoning code may also be revamped. He said it is likely to be a lengthy process and it's not likely that the Planning office has time to do it by itself without outside help.

MR. POLKA asked MR. FORMA about a new Tim Horton's near Home Depot on Niagara Falls Boulevard. MR. FORMA said that it was under a Level I site plan review and that the signage was just reviewed. MR. POLKA asked how it could be just a Level I and shared concerns about traffic at the site. MR. FORMA said that it was not going to be on the exact corner, but on a set-back pad from the road. All entrances and exits are through the Home Depot parking lot and there would still be a vacant parcel directly abutting the roadway. MR. POLKA asked if the plan had been approved; MR. FORMA said it had been and that the NYS DOT had no comments.

MR. POLKA asked about a long-term highway interchange project proposed by the NYS DOT that was being moved up due to traffic concerns. MR. FORMA said he did not know how much would go through eminent domain and that the state had not given him much information. MR. POLKA said it would be a big change. MR. FORMA agreed, but said he did not think there would be as many parcel takings as one might think and that much of the project would be in the existing DOT right-of-way. MR. POLKA said that traffic was very bad at the existing interchange; MR. FORMA agreed and said that there was no consultant on the project, but rough designs showed it would be a "diverging diamond" system. He would share more information when it becomes public.

MR. PALMER asked the audience if they wished to speak about the Tier 3 solar project. MR. RIES and MR. SORBERT asked the Board if there were any questions for them. MR. PALMER said they would have to wait until a new agenda packet was prepared before they had questions. A discussion would occur at the meeting on Feb. 22 with a public hearing and the Board would discuss the project at the following meeting. The site plan would then be discussed at a later meeting. MR. PALMER said that the City Council had to approve parcel amalgamations and that it would be easier for that council to determine what they needed to make a decision. MR. NOSSAVAGE said that it was possible for the City Council to approve the project between the Feb. 22 public hearing and the Board's next meeting on March 15, so a vote could take place then. MR. Palmer concurred and said the site plan could be approved on March 15, assuming updated documents were provided. MR. FORMA said updated documents could be dispersed for the Feb. 22 meeting.

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MR. SPANBAUER asked for an updated list of members for contact information. MR. PALMER agreed and asked for the list to be dispersed with the Feb. 22 packet.

MR. MACDOUGALL inquired about a project on Buffalo Avenue near Salvation Army. MR. SPANBAUER said he had heard a couple years ago that there was a project for short-term rental homes on the river, possibly for hotel workers. MR. NOSSAVAGE said that properties were demolished on that site some time ago for the rentals.

MS. WILLIAMS inquired about a loud noise at the Tulip Corporation building at 3125 Highland Parkway. MR. FORMA said it had something to do with the towers and that they were well aware of it. MS. WILLIAMS remarked she could hear it at church services and that it was really bad. She asked what could be done about it. MR. SPANBAUER said that when he was on the council, he received complaints about Tulip which were discussed with the mayor and president of Tulip. Tulip put mufflers on some of their equipment in response. MR. SPANBAUER suggested that MS. WILLIAMS bring the issue up with the mayor again. MR. FORMA said he would do that.

MR. POLKA said that there was also a project on College Avenue owned by Santa Rosa holdings with many problems that never received a site plan approval and that there was only one means of entry and exit, which would be problematic for emergency services. MR. PALMER agreed and said the piles of tires and dirt were overwhelmingly high.

MS. WILLIAMS added that there was a mouse problem at Tulip due to pallets being stacked too high. MR. SPANBAUER asked if there was anything the Planning Board might do, such as through zoning ordinances, and if there was a formal process to take concerns to the mayor. MR. PALMER said this has been done in the past, but the Planning Board has no enforcement powers.

MR. DELLAVIA asked if the administration had to follow Planning Board bylaws. MR. FORMA said he didn't believe so. MR. PALMER concurred and said that has to be done through code enforcement. MR. FORMA added that the Planning Department has no enforcement powers either outside of code enforcement. He added that he would be happy to speak with code enforcement on issues that the Board had.

## **ADJOURNMENT**

A motion to adjourn the meeting was made by MR. PALMER.