



NIAGARA COUNTY PLANNING BOARD
SAMUEL M. FERRARO CENTER FOR
ECONOMIC DEVELOPMENT
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Chairman

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MEETING MINUTES
Niagara County Planning Board
Monday, July 20, 2020 – 2:00 p.m.
Meeting held via WebEx

Members Present: Bill Agronin, J. Anthony Collard, Walt Garrow, Joseph Kibler, Andrea Klyczek, Richard Muscatello, James Sobczyk, Garret Meal (ex-officio)

Members Absent: Thomas Ohol, Jonathan Welka

Staff Present: Amy Fisk, Jacqueline Minicucci

1. The meeting was called to order by Chairman Kibler at 2:02 p.m.
2. A motion was made by Mr. Garrow and seconded by Mr. Agronin to approve the June 15, 2020 meeting minutes. 7 Yes, 0 No. Carried.
3. *Niagara County Planning Board Referrals*

No. 6663 – Town of Royalton – Special Permit, Site Plan Review

Request by Mario Stornelli and DG New York CS, LLC for the Planning Board to review a special permit request and site plan for the construction and operation of a 5MW utility/commercial-scale solar energy system located at Rochester and Telegraph Road. The property is 41.28 acres and is zoned A, Agricultural. Additional solar panels were added after review by the Niagara County Planning Board in January 2020 necessitating a second review. Joseph Hamel was present to discuss the project. Mr. Hamel reviewed the prior setback approvals and the board's recommendation to rezone the property to Industrial. Ms. Fisk informed the board that the original zoning review was incorrect stating that part of the property is already zoned for business and informed the board that solar is an allowed use within that district. The board advised that both Industrial and Business zoning would be an appropriate for the property and suggested the Town consider rezoning to either district. Mr. Hamel stated that the additional panels do not require any changes to the fence line that was originally proposed. The board advised Mr. Hamel to inquire on the fence height requirements as they may need to be taller and the FAA may need to review the project for possible glare issues. A motion for approval was made by Mr. Agronin and seconded by Mr. Garrow. Unanimous. Carried.

No. 6666 – City of North Tonawanda – Site Plan Review

Request by Lou Riggio for the Planning Board to review a site plan for 110 Sweeney Street for the construction of a new one-story restaurant and two-story apartment building. The property is 0.32 acres and is zoned M-1, Light Manufacturing. The project scope was downsized after review by the Niagara

County Planning Board in December 2019 necessitating a second review. Lou Riggio was present to discuss the project. Mr. Riggio informed the board that due to financial constraints, the project is being downsized from the original proposal. There will be 6 apartment units totaling 17,000 sq. ft. and a 6,000 sq. ft restaurant. Changes have been reviewed with the City of North Tonawanda. A parking lot adjacent to the structure will provide 23 parking spaces. The board had no concerns with the changes. A motion for approval was made by Mr. Garrow and seconded by Mr. Kibler. Unanimous. Carried.

No. 6665 – City of Niagara Falls – Zoning Text and Map Amendment

Request by the City of Niagara Falls for the Planning Board to review a zoning text amendment to the existing Chapter 1328.13 - Short Term Rental (STR) Units and a map amendment to create a new boundary area for short term rentals that will only allow the use in the downtown section of the City. Chris Mazur, Corporation Counsel for the City of Niagara Falls, was present to discuss the project. Mr. Mazur informed the board that the purpose of the amendment proposal was to create a boundary focusing on the downtown and tourist areas in the city and to further define regulations for short term rentals. Mr. Mazur reviewed the regulations. Instead of requiring a special permit every four years, a permit will only be required once when the STR is first proposed. A new annual licensing fee and inspection process will be implemented at a cost of \$250 per single unit and \$450 for a double unit. Owners will be required to register with the online platform Airbnb through which taxes and fees will be collected. Mr. Mazur stated owners will be responsible for any nuisance complaints and a designated local contact must be available 24/7 to address any issues. New enhanced enforcement and penalties will be instituted for noncompliance with the provisions of the amended ordinance. The board requested Mr. Mazur give justification for the new boundary area. Mr. Mazur stated the area was identified after reviewing the location of existing short-term rentals and was further selected to provide more efficient code enforcement. Mr. Garrow asked if the proposed plan was commensurate with the current City comprehensive plan. Mr. Mazur stated that the proposed boundary is not noted directly but the City is following the guidelines of the overall plan. Mr. Garrow stated concerns that some areas in the proposal are known to have a higher crime rate forcing owners to operate in an unsafe environment and that may have an adverse effect on the image of the County. Mr. Mazur replied that there is already a concentration of short term rentals in the area and that crime is not specific to just those neighborhoods. Mr. Agronin questioned if the City is requiring all new rental units to register with Airbnb and the legality of that requirement. Mr. Mazur stated that the City believes it is legal and the city's administration has spoken to the County Treasurer as well as the County Manager and they have indicated that there is a possibility of partnering with the County and Airbnb. Mr. Agronin expressed concerns about creating a monopoly. Board members discussed inspections and the need to eliminate illegal operations. Mr. Mazur reiterated that the purpose of the proposal is the enhance enforcement and address the current issues with STRs.

Residents Comments:

Ruth Cooper – Ms. Cooper noted concerns that the proposed amendment does not comply with the 2009 Comprehensive Plan the City of Niagara Falls has in place. The existing law was crafted after more than 10-months of extensive input from committees and stakeholders and the proposed amended regulations have had no public input. She asked for justification on why the specific area was included in the new boundary. Mr. Mazur stated the area in question has a concentration of existing short-term rentals.

Todd Salansky: Mr. Salansky asked that the letters submitted to the Niagara County Planning Board regarding the proposal become part of the public record. Mr. Salansky stated he owns a property within the proposed boundary and has concerns that stricter regulations will discourage the operation of short-term rentals noting that there is already a shortage of rooms available for tourists during the summer season. The new regulations will force people to stay outside of the City which means lost revenue for the City. Mr. Salansky raised a concern regarding the proposed ownership clause in the regulation. If your STR is outside of the proposed boundary area you cannot sell the business and in the case of married people with

only one person on the deed, if the licensed person dies their spouse can't continue operating the STR. Mr. Mazur confirmed that this was correct.

Carroll Reetz: Ms. Reetz felt current legally operating short-term rentals are conducting business in good faith within the existing guidelines and that the city needs to put more enforcement on illegal operations before making changes to the regulations. Ms. Reetz stated that to her knowledge Airbnb has not agreed to contract with the City.

Cherrish Beals: Ms. Beals communicated she is changing her operation from a bed and breakfast to a short-term rental and currently has a permit that was given pending status after the City of Niagara Falls placed a moratorium on new short-term rentals. She would like this addressed. Ms. Beals said short-term rentals are subject to online reviews and that process helps to self-regulate the industry because a few bad reviews will negatively impact your business. The current lack of enforcement should not affect legal establishments. She also expressed short-term rentals should be allowed city-wide.

Kathy Abbondanza: Ms. Abbondanza stated disapproval with limiting the area of short term rentals to the proposed boundary and thinks they should be allowed city-wide. She also noted that illegal establishments should be addressed and the City shouldn't penalize legal operations.

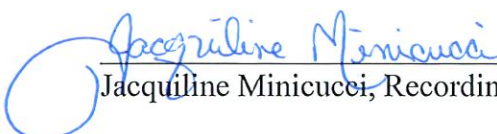
Dan Parsnick: Mr. Parsnick raised concerns that the LaSalle area of the city is completely excluded and there is a lack of property in the proposed zone to conduct short-term rental operations noting that most of the property is owned by the casino, developers or the City. He stated that short-term rentals have helped to rehabilitate vacant properties and the city should focus on enforcement for illegal operations. Mr. Parsnick stated that short-term rentals are exempt under the "bungalow" section of the state taxation law.

Ms. Fisk clarified that hard copies of the email letters will be kept in the Niagara County Planning Board file and are subject to the Freedom of Information Law. Ms. Fisk clarified that Niagara County collects bed taxes for short term rentals for areas outside the three cities. The taxes are not collected by a listing service like Airbnb but instead individual short term rental properties pay the taxes directly to the Niagara County Treasurer's Office on a quarterly basis.

The board discussed the lack of communications with existing legal short-term rental establishments and the unresolved issues that still exist with the proposed regulations. The board felt that further review by the City is warranted. A motion for disapproval was made by Mr. Garrow and seconded by Mr. Agronin due to impacts relating to inconsistencies with the current comprehensive plan and unresolved issues including legal. Ms. Klyczek and Mr. Sobczyk voted against the disapproval. Mr. Muscatello abstained. 5 Yes, 2 No, 1 Abstention. Carried.

4. *Old Business* – None
5. *New Business* – Ms. Fisk informed the board that the 2020 Department of State Training will take place virtually. More information to follow.
6. *Adjournment* – A motion was made by Mr. Agronin and seconded by Mr. Garrow to adjourn the meeting at 3:48 p.m. Unanimous. Carried.

Respectfully submitted,



Jacqueline Minicucci, Recording Secretary