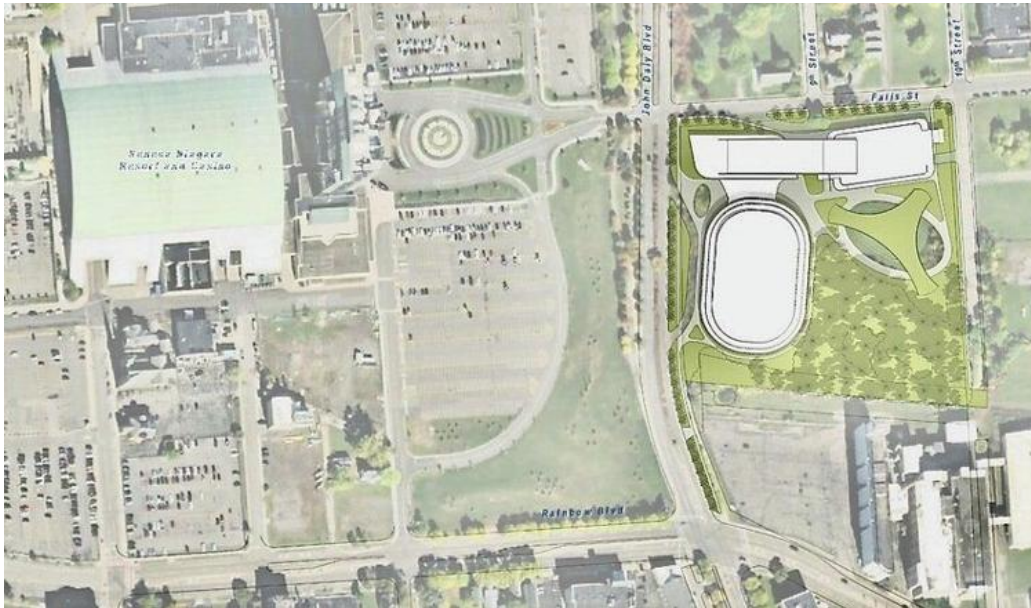


Falls City Council moves forward with plans for Centennial Park project

BY RICK PFEIFFER rick.pfeiffer@niagara-gazette.com Nov 23, 2022



A drawing by CJS **Architects** depicts a potential location for a new gateway to Niagara Falls, an event center with an entertainment and sports area, skating rink and parking area which is being called Centennial Park.



Niagara Falls has started the clock running on its efforts to acquire 12 acres of South End property for the proposed Centennial Park project by either purchase or eminent domain.

The City Council voted unanimously, during a special meeting late Tuesday afternoon, to accept the conclusions of an independent consultant who found the project would have no significant negative environmental impact, and to accept a resolution of “Determination and Findings” that the project would be “a public benefit” and eligible for the use of eminent domain.

Eminent domain refers to the right of “a government or its representative to take private property for public use, as long as the land owner is fairly compensated.”

The 12 acres of prime South End land, described as 907 Falls St. and an adjacent portion of property along John Daly Memorial Parkway, are currently owned by Niagara Falls Redevelopment (NFR), and one of its subsidiaries. NFR has aggressively opposed the city’s use of eminent domain to take its property.

Prior to the vote by the council members, the city’s outside legal counsel, Dan Spitzer, a partner at the Buffalo-based law firm Hogdson Russ, said, “The environmental review did not disclose any issues of great concern.” Spitzer said the most significant issue was a review of whether the transportation infrastructure in the area could handle the increased traffic anticipated as a result of the proposed \$150 million multi-use “event campus.”

A 506-page traffic study by Wendel, an engineering consultant, found that the surrounding roads and parking lots were adequate for the project.

“You have an opportunity for the community’s future, for your children’s future,” Spitzer told the council. “This is a win-win for the community.”

The environmental assessment describes the Centennial Park plan as a “multi-faceted, year-round event campus” that would include a 6,000 to 7,000-seat arena for sporting and entertainment events, a smaller arena for sporting and entertainment events and a splash pad that could be converted into an ice-skating rink during winter months. The project also calls for the construction of a parking ramp with exterior walls that could be used for rock climbing and a roof that could be used as a location for concerts or movie screenings.

Mayor Robert Restaino told the council members the project is envisioned as an attraction that would serve local residents as well as tourists.

“Ultimately, the development helps span further development north of Main Street,” he predicted.

The council action triggers a 30-day window for NFR to contest the environmental review and the determination and findings, by filing an appeal to the New York State Supreme Court Appellate Division Fourth Department in Rochester. Spitzer estimated that an NFR appeal would take about six months to resolve.

In the meantime, both Spitzer and Restaino said they are continuing attempts to negotiate a purchase of the properties. Spitzer said the city is in the process of conducting an independent appraisal of the property to determine its fair market value.

NFR has argued, in an unrelated tax assessment proceeding, that the property should be valued at \$45,000 an acre. However, an attorney for NFR has previously told the council that compensating NFR for the park site would cost “much more” than that.

Restaino said the city may submit a formal purchase offer, based on the independent appraisal, to NFR in the next few weeks.

“We have worked as closely as possible with NFR,” Spitzer said. “Their attorneys reached out to us this afternoon to express that they are still interested in working with us. But they have largely ghosted us for the last month. We’re hopeful they’ll come to us and work out a deal on the money.”

NFR has adamantly opposed giving up the proposed Centennial Park properties, arguing that the land is better suited for the development of a large-scale \$1.48 data center. An NFR attorney has claimed that the proposed 600,000 square foot center would create 5,600 construction jobs “over a multi-year period” and 550 permanent jobs, generating \$30 million in wages.

City officials have questioned those estimates. They also point out that the proposed Centennial Park properties are not zoned for a high energy use data center and do not provide enough land for the project, estimated to require 30 acres.

“Your action today does not guarantee that eminent domain will be used,” Spitzer said. “Today you take an important step forward for your city’s future.”

City Council Chair John Spanbauer said the Centennial Park project “could change Niagara Falls.”

“I think it’s a great project and I’m looking forward to it going forward,” Spanbauer said.

If NFR fails to appeal the council action or if the appeals court upholds it, the city would then have 2 years to negotiate a purchase from NFR or implement the use of eminent domain.