

**TOWN OF NIAGARA  
TOWN BOARD MEETING  
Tuesday, October 20, 2020**

6:30 PM

Calvin K. Richards Community Center  
7000 Joe Rotella Way  
Niagara Falls, NY 14305

**MASK REQUIRED**

**WORK SESSIONS**

Wednesday, October 7, 2020 @ 6:30 pm  
Wednesday, October 14, 2020 @ 6:30 pm

**PUBLIC HEARING**

1. Local Law 2-2020 the rezoning of the property at 9400 Porter Road (SBL number 146.14-1-10.1) to Heavy Industrial (HI)
2. Special Use Permit request of Frontier Fibers at 3519 Hyde Park Blvd.

**OPEN MEETING** (Pledge, Prayer, Roll Call)

**PRIVILEGE OF THE FLOOR** (Announce changes to agenda, if any)  
(§50-3 Privilege of the floor. Only members of the public sector are allowed to speak at this time and may address any agenda or non-agenda item.  
(3-minute limit)

**APPROVAL OF MINUTES**

1. Town Board Meeting of **September 22, 2020**

**PAYMENT OF BILLS**

General Fund prepay vouchers [A]  
General Fund vouchers [A]  
Sewer Fund prepay vouchers [G]  
Sewer Fund vouchers [G]  
Water Fund vouchers [F]  
Water Fund vouchers prepay [F]  
Highway Fund vouchers [DA]  
Highway Fund prepay vouchers [DA]  
Fire Protection prepay vouchers [SF]  
Fire Protection [SF]  
Street Lighting vouchers [SL]

Street Lighting Pre-Pay vouchers [SL]  
Trust & Agency Pre-Pay vouchers [TA]  
Trust & Agency vouchers [TA]  
Capital Projects prepay vouchers [H]  
Capital Projects vouchers [H]

## **AGENDA**

1. Resolution to declare a negative declaration on the SEQRA for Final Site Plan request of William Payne, Payne's Plaza Tax map #145.0-16-001-005. Haseley)
2. Resolution to approve the Final Site Plan request of William Payne, Payne's Plaza Tax Map #145.016-001-005. (Haseley)
3. Discussion on the Scissor Lift for the Town of Lewiston.(Wallace)
4. Discussion with Pat Brown, CPA, Brown & Company about the 2019 Town Audit. (Wallace)
5. Resolution to approve accept the new and updated New York State Disposition Schedule to dispose of records RESOLVED, By the Town of Niagara Town Board of the Town of Niagara that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.  
FURTHER RESOLVED, that in accordance with Article 57-A:
  - (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
  - (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods. (Virtuoso)
6. Discussion on purchasing new water meter reading system. (Roberts)
7. Discussion on the request by PT Police officer Vanik Aloian for a leave of absence. (Suitor)
8. Resolution to approve the EAF Parts 2,3 and Negative Declaration for the Snapper Project. (Auerbach)
9. Resolution to declare a negative declaration on the SEQRA for the request for a special use permit for Frontier Fibers at 3519 Hyde Park Blvd. Tax Map # 130.19-2-3.2. (Haseley)

10. Resolution to approve the request of Frontier Fibers for a Special Use Permit to operate a solid waste manufacturing facility at 3519 Hyde Park Blvd. Tax Map #130.19-2-3.2. (Haseley)
11. Resolution to declare a negative declaration on the SEQRA for the request for a special use permit for U.S. Address at 3909 Witmer Road Tax Map #131.09-2-3.2. (Haseley)
12. Resolution to approve the special use permit request of Carol Jardine, renewing previously approved seasonal temporary storage unit (1) to house overflow product for U.S. Address during the times 10/23/2020-3/26/2020 at 3909 Witmer Road Tax Map # 131.09-2-3.2. (Haseley)
13. Resolution to declare a negative declaration on the SEQRA for the request for a special use permit for U.S. Address at 3909 Witmer Road Tax Map #131.09-2-3.2. (Haseley)
14. Resolution to declare a negative on the associated SEQRA for the final site plan request of Wegmans Food Market 1577 Military Road Tax Map #130.20-1-2. (Haseley)
15. Resolution to approve the final site plan request of Wegmans Food Market 1577 Military Road tax map #130.20-1-2. (Haseley)
16. Resolution to declare a negative declaration on the SEQRA for the ReZoning for Stavatti Aerospace at 9400 Porter Road Tax Map #146.14-1-10.1. (Haseley)
17. Resolution to approve the Rezoning for Stavatti Aerospace at 9400 Porter Road Tax Map #146.14-1-10.1. (Haseley)
18. Resolution to declare a negative declaration on the SEQRA for the final site plan request of Scott Miller 8297-8309 Packard Road Tax Map 146.01-1-3. (Haseley)
19. Resolution to approve the final site plan request of Scott Miller at 8297-8309 Packard Road Tax Map #146.01-1-3. (Haseley)

#### **TABLED**

1. Discussion and update of the Town IDA. (Wallace)
2. Resolution to declare a negative declaration on the SEQRA for the final site plan for Expressway Village on 2740 Service Road Tax Map No. 145.10-3-15.(Haseley)

3. Resolution to approve the final site plan for Expressway Village on 2740 Service Road Tax Map No. 145.10-3-15.(Haseley)

**COMMENTS**

**ADJOURNMENT**

***HALLOWEEN HOURS FOR TRICK OR TREAT  
SATURDAY, OCTOBER 31, 2020  
4PM-7PM***



**Mask required to enter Town Hall**

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

[www.townofniagara.com](http://www.townofniagara.com)



**LOCAL LAW NO. 2 OF THE YEAR 2020** - A Local Law to Amend the Zoning Map to Rezone 9400 Porter Road

WHEREAS, Stavatti Aerospace Ltd. petitioned (“Petition”) the Town of Niagara, New York for a rezoning of the real property located at 9400 Porter Road, Town of Niagara, New York 14304, which real property is described in the legal description included within the subject local law, (“Property”) from LI - Light Industrial District to HI - Heavy Industrial District, and

WHEREAS, the Town of Niagara Planning Board, its meeting held on September 1, 2020, reviewed the Petition and recommended that the Town of Niagara Town Board (“Town Board”) approve the Petition, and

WHEREAS, the Town Board, at its meeting held on September 9, 2020, reviewed the Petition, and

WHEREAS, on September 18, 2020, the Town Board distributed a Notice of Intent to all Involved Agencies (“Notice of Intent”) declaring the Town Board’s intent to act as lead agency (“Lead Agency”) in a coordinated review of the subject project, including the Petition, (collectively, the “Project”) pursuant to and in accordance with the New York State Environmental Quality Review Act (“SEQRA”), and

WHEREAS, the Town Board, at its meeting on September 22, 2020, called for a public hearing on the Petition, and scheduled such public hearing on October 20, 2020 at 6:30 P.M. (“Public Hearing”), and

WHEREAS, following the Town Board’s meeting on September 22, 2020, the Town Board duly published and served notices of the Public Hearing pursuant to and in accordance with the applicable provisions of the Town of Niagara Code and New York State laws, and

WHEREAS, no involved or interested agencies contested the Town Board assuming the role of Lead Agency during the period of time from September 18, 2020 through October 17, 2020, and

WHEREAS, pursuant to SEQRA, on October 18, 2020 the Town Board became Lead Agency for the Project after 30 days had passed from the distribution of the Notice of Intent, and therefore, the Town Board is the Lead Agency for the Project for purposes of SEQRA, and

WHEREAS, pursuant to and in accordance with SEQRA, the Town Board conducted a thorough analysis of all environmental information and potential environmental impacts associated with the Project, and determined that the Project will not have a significant adverse impact on the environment;

WHEREAS, at the Town Board's meeting on October 20, 2020, the Town Board issued a negative declaration with respect to the Project, and the Town Board has fully complied with the requirements of SEQRA

WHEREAS, the Town Board held the Public Hearing on October 20, 2020 at 6:30 P.M.,

and all interested and other parties were given an opportunity to be heard with respect to the Petition at the Public Hearing, and

NOW, THEREFORE, BE IT

RESOLVED, that the Petition is hereby approved,

and BE IT FURTHER

RESOLVED, that Local Law No. 2 of the Year 2020, entitled "A Local Law Amending Chapter 245 of the Zoning Law of the Town of Niagara, New York, to Rezone 9400 Porter Road from LI - Light Industrial District to HI - Heavy Industrial District and to Amend the Zoning Map Accordingly", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 2 of the Year 2020 shall be effective upon filing with the Secretary of State, and shall apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map of the Town of Niagara, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office and one (1) certified copy with the Secretary of State.

[The Remainder of this Page Left Intentionally Blank - LOCAL LAW NO. 2 OF THE YEAR 2020 to Follow]

LOCAL LAW NO. 2 OF THE YEAR 2020

A LOCAL LAW AMENDING CHAPTER 245 OF THE ZONING LAW OF THE TOWN OF NIAGARA, NEW YORK, TO REZONE 9400 PORTER ROAD FROM LI - LIGHT INDUSTRIAL DISTRICT TO HI - HEAVY INDUSTRIAL DISTRICT AND TO AMEND THE ZONING MAP ACCORDINGLY

Be it enacted by the Town Board of the Town of Niagara ("Town Board") as follows:

Section 1. Title.

This local law ("Local Law") shall be referred to as, "A Local Law Amending Chapter 245 of the Zoning Law of the Town of Niagara, New York, to Rezone 9400 Porter Road from LI - Light Industrial District to HI - Heavy Industrial District and to Amend the Zoning Map Accordingly."

## Section 2. Legislative Findings and Intent.

The Town Board of the Town of Niagara finds:

A. That Stavatti Aerospace Ltd.'s petition ("Petition") for a rezoning of the real property located at 9400 Porter Road, Town of Niagara, New York 14304, which real property is legally described in Section 3, below, ("Property"), from LI - Light Industrial District to HI - Heavy Industrial District Industrial District has been duly filed and is in proper order.

B. That the Town of Niagara Planning Board, its meeting held on September 1, 2020, reviewed the Petition and recommended that the Town Board approve the Petition.

C. That the Town Board, at its meeting held on September 9, 2020, reviewed the Petition.

D. That, on September 18, 2020, the Town Board distributed a Notice of Intent to all Involved Agencies declaring the Town Board's intent to act as lead agency ("Lead Agency") in a coordinated review of the subject project, including the Petition, (collectively, the "Project") pursuant to and in accordance with the New York State Environmental Quality Review Act ("SEQRA").

E. That the Town Board, at its meeting on September 22, 2020, called for a public hearing on the Petition, and scheduled such public hearing on October 20, 2020 at 6:30 P.M. ("Public Hearing").

F. That, following the Town Board meeting on September 22, 2020, the Town Board duly published and served notices of the Public Hearing pursuant to and in accordance with the applicable provisions of the Town of Niagara Code and any and all New York State laws.

G. That, since September 18, 2020, no involved or interested agencies have contested the Town Board assuming the role of Lead Agency.

H. That, pursuant to and in accordance with SEQRA, on October 18, 2020 the Town Board became Lead Agency for the Project after 30 days had passed from the distribution of the Notice of Intent, and therefore, the Town Board is the Lead Agency for the Project.

I. That, pursuant to and in accordance with SEQRA, the Town Board conducted a thorough analysis of all environmental information and potential environmental impacts associated with the Project, and determined that the Project will not have a significant adverse impact on the environment.

J. That, at the Town Board meeting on October 20, 2020, the Town Board issued a negative declaration on the Project, and the Town Board has fully complied with the requirements of SEQRA.

K. That the Town Board held the Public Hearing on October 20, 2020 at 6:30 P.M., and all interested and other parties were given an opportunity to be heard on the Petition at the Public Hearing.

L. That the rezoning of the Property is consistent with the Town of Niagara, New York's Comprehensive Plan for various reasons, including, but not limited to, the following:

a. The rezoning of the Property to HI - Heavy Industrial District is appropriate in light of adjacent land use, including, but not limited to, the Niagara Falls International Airport.

b. The rezoning of the Property to HI - Heavy Industrial District will help build local commercial and residential tax bases through infill and redevelopment opportunities associated with the Project.

c. The rezoning of the Property to HI - Heavy Industrial District will reduce community blight by allowing for the renovation, rehabilitation and redevelopment of the Property.

d. The rezoning of the Property to HI - Heavy Industrial District will support the diversification of local business and industry by creating economic opportunities for local businesses associated with the redevelopment of the Property.

e. The rezoning of the Property to HI - Heavy Industrial District will promote development of industries utilizing both skilled and unskilled labor by allowing for new uses of the Property by industry and business.

### Section 3. Niagara Zoning Map.

The Town Board hereby amends the Official Zoning Map of the Town of Niagara, which is incorporated by reference in the Town Zoning Law, by amending the zoning classification of the Property, from LI - Light Industrial District to HI - Heavy Industrial District. The Property is legally described as follows:

#### LEGAL DESCRIPTION OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Niagara, County of Niagara and State of New York, being part of Lot 2, Township 13, Range 9 of the Holland Land

Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the northeast line of Porter Road with the west line of Lot 2; thence northerly along the west line of Lot 2, a distance of 526.83 feet to the northwest corner of lands acquired by the United States of America by Judgment recorded in Liber 674 of Deeds at page 492; thence easterly at an interior angle of 90° 00' 03" along the north line of said United States of America lands, a distance of 858.37 feet to a point; thence

southerly at an interior angle of  $89^{\circ} 59' 57''$ , a distance of 563.00 feet to an angle point; thence easterly at an exterior angle of  $89^{\circ} 59' 57''$ , a distance of 191.63 feet to an angle point; thence southerly at an interior angle of  $89^{\circ} 59' 57''$ , a distance of 359.90 feet to a point in the northeast line of Porter Road; thence northwesterly along the northeast line of Porter Road along an arc to the right having a radius of 2,815 feet, a distance of 219.73 feet, the chord bearing of which is North  $71^{\circ} 37' 11''$  West, a chord distance of 219.68 feet to a point; thence northwesterly along the northeast line of Porter Road, a distance of 902.68 feet to the point or place of beginning.

#### Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Niagara pursuant to §§ 10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and § 265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

#### Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law and published pursuant to Section 130 & 133 of the Town Law and Chapter 1 of the Code of the Town of Niagara and shall apply retroactively and prospectively to all existing and future amendments to the Official Zoning Map of the Town of Niagara