

**TOWN OF NIAGARA  
TOWN BOARD MEETING  
7105 Lockport Road  
Niagara Falls, NY 14305**

**MINUTES**

**Tuesday, December 13, 2022  
6:30 PM**

**PUBLIC HEARING**

1. Regarding proposed Local Law No. 4-2022 regulating the use of transient or Short-Term Rentals within the Town of Niagara.

**Opened at 6:30pm Closed at 6:40 pm**

**LuAnn Murawski of 3508 Youngstown Lockport Road presented a statement about her experience as a long term and short term landlord. (attached)**

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

Supervisor Lee Wallace called the meeting to order with the Pledge of Allegiance.

Deputy Supervisor Teixeira recited a prayer. Attached is a Memorial Page of all the deceased Town residents who passed away recently.

Roll Call:

Present: Supervisor Lee S. Wallace, Councilman Richard A. Sirianni,  
Councilman Samuel Gatto, Councilman Marc M. Carpenter

Absent:

Excused: Charles F. Teixeira, Deputy Supervisor  
Also, present Sylvia Virtuoso, Town Clerk

**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 **November 15, 2022**

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

**PAYMENT OF BILLS**

General Fund prepay vouchers [A] \$25,022.50

General Fund vouchers [A] \$99,786.87

Sewer Fund prepay vouchers [G] \$511.94

Sewer Fund vouchers [G] \$6,974.42

Water Fund vouchers [F] 9,818.51

Water Fund vouchers prepay [F] \$1,164.51

Highway Fund vouchers [DA] \$33,080.63

Highway Fund prepay vouchers [DA] \$63.34

Fire Protection prepay vouchers [SF]

Fire Protection [SF] \$3,705.90

Street Lighting vouchers [SL]  
Street Lighting Pre-Pay vouchers [SL] \$9,316.33  
Trust & Agency Pre-Pay vouchers [TA]  
Trust & Agency vouchers [TA] \$1,328.70  
Capital Projects prepay vouchers [H] \$5,258.18  
Capital Projects vouchers [H]

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Sirianni, Gatto, Carpenter  
Noes – none  
Abstain – none

Motion carried.

## **AGENDA**

1. Resolution to approve the Special Use Permit request of Justin Carozzolo, agent for Go Car Wash to operate a car wash business from the existing facility located at 2706 Military Road, Tax Map # 145.11-1-34. (Haseley)

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Sirianni, Gatto, Carpenter  
Noes – none  
Abstain – none

Motion carried.

2. Resolution to approve the attached Access Agreement between the Town of Niagara and Buffalo Niagara Waterkeeper, Inc. to authorize and provide access to the Buffalo Niagara Waterkeeper representatives in future years to monitor the flood mitigation, wetland restoration, and trail project on the former Weber property on Disney Drive and to authorize the Town Supervisor to sign the agreement.

Motion to approve by Councilman Carpenter, second by Councilman Gatto.

Ayes – Wallace, Sirianni, Gatto, Carpenter  
Noes – none  
Abstain – none

Motion carried.

3. Resolution to pay Brandi Ealy and Amy Stack \$25.00 per week or \$50 per pay period for extra duties assumed as a result of retirement. The stipend will be retroactive from November 1, 2022 for a period not to exceed 6 months. (Wallace)

Motion to approve by Councilman Gatto, second by Councilman Carpenter.

Ayes – Wallace, Sirianni, Gatto, Carpenter  
Noes – none  
Abstain – none

Motion carried.

4. Resolution to approve allowing the Principal Account Clerk to make necessary budget adjustments and transfers needed to close 2022 at December 31, 2022. (Wallace)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Sirianni, Gatto, Carpenter  
Noes – none  
Abstain – none

Motion carried.

5. Resolution to accept the resignation of PT Police Officer Walter Nichols effective 12/1/2022. (Guiliani)

Motion to approve by Councilman Carpenter second by Councilman Sirianni.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

6. Resolution to authorize the hiring of attorney Thomas H. Burton to provide legal services in connection with a Town of Niagara Police Department incident on November 19, 2022 (to be discussed in Executive Session).(Wallace)

Motion to approve by Councilman Gatto, second by Councilman Sirianni.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

7. Resolution to purchase 12 Police Body Cameras and 2 Multi Bay Docking Stations at a cost not to exceed \$11,465.80 from the sole source provider Axon Enterprise, Inc. (Guiliani)

Motion to approve by Councilman Carpenter, second by Councilman Gatto.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

8. Resolution to accept the bid from Landscape Associate of WNY in the amount of \$21,720.00 and pay a deposit of \$5,430 for the Cannon Corner re-landscape (Virtuoso)

Motion to approve by Councilman Sirianni, second by Councilman Carpenter.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

9. Resolution to post and hire (2) FT Clerks from the certified Civil Service Residents List. Tentative starting date is Monday, January 30, 2023. (Wallace)

Motion to approve by Councilman Gatto, second by Councilman Sirianni

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

10. Resolution to approve the purchase of Road Salt from American Rock Salt per State Contract and additive (if needed) from an approved vendor as needed throughout 2023 not to exceed the Budgeted amount of \$73,000.00. (DA5142.4) (Herman)

Motion to approve by Councilman Carpenter, second by Councilman Sirianni.

Ayes – Wallace, Sirianni, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

**TABLED**

1. Resolution to call for a Public Hearing for the Solid Waste Facility Siting Permit and the associated property re-zoning, special use permit and final site plan requests of Darek Teeter CES V. President of Covanta Environmental Solutions, LLC 8335 Quarry Road, Tax Map Number 132.13-1-4. Hearing to be scheduled for 6:30 pm, on January 17<sup>th</sup> 2023 at Town of Niagara Town Hall. (Haseley)
2. Resolution to hire James Ullery PT Police Officer. (Guiliani)

## COMMENTS

**The Town Board wishes everyone a Merry Christmas, Great Holiday Season, Happy New Year and wishing all who need prayers and dealing with health issues Healthy 2023**

## ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Gatto. All in favor. Meeting adjourned at 6:50 pm.

Respectfully submitted,

*Sylvia Virtuoso*

Sylvia Virtuoso  
Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

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



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**Town Hall will be closed on:**

**Friday, December 23, 2022 and Monday December 26, 2022**

**Friday, December 30, 2022 and Monday, January 2, 2023**

*In Memoriam*

[Carl Steinvall](#)

[Carolyn Marion](#)

[Charles W. Terhaar](#)

[Daniel Dacid Kachinoski](#)

[David A. Van Wagner](#)

[Joanne Hermanson MacNeil](#)

[LeVern E. Haseley, Town Council Member](#)

[Margaret Mirian Baer](#)

[Vittorio Faiola](#)

**TOWN OF NIAGARA, NEW YORK**  
**LOCAL LAW NO. 4 of 2022**

**A Local Law Regulating the Use of Transient  
or Short-Term Rentals within the Town Of Niagara**

The Town of Niagara Town Board hereby adopts amendments to the Town Zoning Code, Chapter 245 of the Town Code, as follows:

**SECTION 1: Purpose, Intent, and Findings.**

**Background.** It is the legislative determination of the Town of Niagara Town Board (“Town Board”) that the proliferation of short-term rentals of non-owner-occupied properties in certain zoning districts has presented negative impacts to the health, safety, and welfare of the Town of Niagara (“Town”), and as a result, new short-term rental uses shall be prohibited in the Agricultural (“A”), Single-Family Residential (“R-1”), Single- and Two-Family Residential (“R-2”), Multiple Family Residential (“R-3/R-4”), and the Cluster Residential Overlay (“CRD”) Districts (together, “Agricultural and Residential Districts”). However, pre-existing short-term rental uses in the Agricultural and Residential Districts may continue for an amortization period of two years, as provided below.

The residential uses permitted as of right in the Agricultural and Residential Districts are one-, two-, and multiple-family dwellings. *See* Zoning Code, Art. IV. In adopting the Zoning Code, the Town Board intended residential uses in the Agricultural and Residential Districts to be owner-occupied.

**Findings.** New York State has long recognized the difference between transient rentals and longer-term rentals, specifically by classifying transient and non-transient uses differently in the Multiple Dwellings Law. *See* N.Y. MULT. DWELL. LAW §§ 4(8)(a) (McKinney 2012) (“A ‘class A’ multiple dwelling is a multiple dwelling that is occupied for permanent residence purposes.”), 9 (“A ‘class B’ multiple dwelling is a multiple dwelling which is occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals.”) (emphasis added). The Town Board finds that it is in the public interest that new Transient or Short-term Rentals be prohibited in the Agricultural and Residential Districts due to certain safety concerns with utilizing non-owner-occupied residential structures for Transient or Short-term Rentals. The non-owner-occupied Transient or Short-term Rental use brings with it certain impacts that are best kept away from permanent residential uses, such as: noise, damage to personal and real property, poor upkeep of structures, large gatherings and/or parties, parking issues, debris, garbage left out at the curb for long periods, late night disturbances, and use of property in a manner that is not permitted by applicable law. The Town Board has seen evidence of these effects in the Agricultural and Residential Districts.

Nevertheless, the Town Board notes the financial opportunities that Transient or Short-term Rentals may present. As such, Transient or Short-term Rentals are permitted in the General Business (“B-1”), Planned Business Center (“B-2”), Light Industrial (“LI”), and Heavy Industrial (“HI”) Districts (together, “Business and Industrial Districts”), with a special use permit which must be renewed annually.

Lastly, New York law permits the Town Board to put a definitive end to nonconforming uses, even if they existed lawfully at the time the Town Code was changed. As such, the Town Board determines that pre-existing Transient or Short-term Rentals in the Agricultural and Residential Districts may continue operation as legal nonconforming uses for an amortization period of two years from the passage of this local law before such uses are prohibited. This adequately balances protection of the Town from the concerns identified above, with the potential impacts to the property owner as a result of eliminating the use.

## **SECTION 2: Zoning Code Amendments**

The following are amendments to the Town Zoning Code relating to Transient or Short-Term Rentals.

Section 245-22(C) of the Zoning Code is hereby amended to read in its entirety as follows:

### ***C. Uses permitted with a special permit.***

- (1) Public utility uses, including telecommunications facilities (exclusive of maintenance buildings and yard and equipment storage yards).
- (2) Motels and hotels.
- (3) Motor vehicle service stations and public garages.
- (4) Motor vehicle sales lots.
- (5) Car washes.
- (6) Transient or Short-term Rentals.

Section 245-24(C) of the Zoning Code is hereby amended to read in its entirety as follows:

### ***C. Uses permitted with a special permit.***

- (1) Public utility uses, including telecommunications facilities.
- (2) Transient or Short-term Rentals.

Section 245-26(C) of the Zoning Code is hereby amended to read in its entirety as follows:

### ***C. Uses permitted with a special permit.***

- (1) Excavation operations.
- (2) Junkyards, subject to the requirements of Town Code Chapter 173.
- (3) Public utility uses, including telecommunications facilities.
- (4) Solid waste management facility.
- (5) Transient or Short-term Rentals.

“Section 245-13 Definitions” of the Town Zoning Code is hereby amended to include the following additional definitions relating to Transient or Short-term Rentals, as follows:

### **Section 245-13: Definitions.**

As used in this section, the following terms shall have the meanings indicated below:

**TOURISTS OR TRANSIENTS.** Individuals occupying a dwelling unit or sleeping unit for less than thirty (30) continuous days.

**TRANSIENT OCCUPANCY.** Living and/or sleeping accommodation provided for compensation for any period of less than thirty (30) consecutive calendar days. Hotels, motels, and transient short-term rentals shall individually and collectively be considered types of transient occupancies.

**TRANSIENT or SHORT-TERM RENTAL.** A dwelling or dwelling unit, including associated appurtenant facilities, used for transient occupancy by one or more guests, boarders or tenants, where the record owner of the premises is not physically present upon the premises during the transient occupancy, and whether or not meals or cooking facilities are provided for the guests, boarders or tenants, but excluding hotel and motel uses.

**PREEXISTING TRANSIENT OR SHORT-TERM RENTAL.** A Transient or Short-Term Rental that was in operation before the effective date of this Local Law No. 4 of 2022.

Article IX, Section 245-44, Special Permits, Additional Requirements, shall be amended to include the below subsection (J) as follows:

**Section 245-44(J): Regulation of Transient or Short-Term Rentals.**

(1) Agricultural and Residential Districts.

- a. No new Transient or Short-Term Rental shall be permitted in the Agricultural and Residential Districts within the Town.
- b. Notwithstanding any other law or provision of the Town Code to the contrary, pre-existing Transient or Short-Term Rentals in the Agricultural and Residential Districts shall be considered legal non-conforming uses, and may continue to operate as such for an amortization period of one year from the date of passage of Local Law No. 4 of 2022, after which such uses shall be prohibited.

(2) Business and Industrial Districts.

- a. New Transient or Short-term Rentals are permitted in the Business and Industrial Districts, subject to obtaining a special use permit and site plan approval from the Town Board, after review and recommendation by the Planning Board.
- b. Applicants for a special use permit and site plan approval for a Transient or Short-term Rental use must comply with Zoning Code, Article IX ("Special Permits") and Zoning Code, Appendix B ("Site Plan Requirements"). Special use permits granted by the Town Board for Transient or Short-term Rentals in the Business and Industrial Districts shall only be valid for one year and must be annually reviewed for renewal by the Town Board, pursuant to Zoning Code § 245 40.

**SECTION 3: Severability.** If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

**SECTION 4: Effective Date.** This local law shall be effective immediately upon filing with the office of the New York Secretary of State.

December 11, 2022

Town of Niagara Town Board  
7105 Lockport Road  
Niagara Falls, NY. 14305

Re: Short Term rental proposed Local Law #4, 2022

Board Members:

As an introduction, my name is Lou Ann Murawski. I was a resident of the Town of Niagara for 31 years. I have owned property in the Town of Niagara for 45 years. I have been in the housing rental business for 47 years, several of which are located within the Town of Niagara.

Several changes have occurred in the housing rental business in the last 47 years. The most significant change occurred in July 2019 when New York State enacted a law that placed restrictions on landlords desiring to evict tenants, requiring up to 90 days notice to long term tenants. In essence, to remove a bad tenant who has occupied your rental unit over a year, you realistically could not plan on them vacating your unit for at least four months and even longer if they occupied your unit for more than two years. Take this into consideration along with the attorney fees, court costs and eviction fees associated with the process! In the interim, you have a bad tenant who is upset with you because you are evicting them and, in most cases, are making life miserable for you, the landlord, and is destroying your property!

As a matter of documentation, I am presenting to you pictures of a single family house which I rented in the Town of Niagara to whom I believed would be a great tenant. I took steps to evict this tenant for non-payment of rent in excess of \$2,000. (Of course, I never got the money). The person was a single mother and had a position as a Supervisor at Niagara County Department of Social Services. She rented from me for a number of years, had fallen behind in rent a few times, but always made an effort to "catch up". She never advised me of any needed repairs at her house and always completed the smoke detector/CO2 detector compliance form that I send out at least once a year. The conditions in which I found the house following the eviction were appalling, as is evidenced by these photos.

I also have documentation of a former tenant within the town who was causing disturbances with his loud music, among other things.

I am presenting these cases to you as a matter of fact.... long term tenants can certainly be a menace to the neighborhood, compromising the quality and changing the character of a neighborhood. Unfortunately, the process to remove these tenants is



long and costly, unlike a short term tenant who is gone within a few days, and even sooner if Airbnb is made aware of disruptive behavior.

These are just two incidents in dealing with undesirable tenants within the Town. Of course, I have several more horror stories about long term rentals I have within the City of Niagara Falls. I screen all of my tenants as much as possible; but, unfortunately, I am not always successful with securing a good tenant, even after my due diligence. To say the least, securing good tenants has been a real challenge in recent years! After having additional issues with tenants who occupied some of my nicer homes/apartments in the Town of Niagara and realizing that the rental of housing units was my primary source of income, I decided to try the market for Short term rentals through the Airbnb platform.

The difference for me in providing a service to people who appreciate and take care of my property during their short stay versus renting to a longer term tenant has been like night and day. My short-term rental units are left in great condition, nothing is destroyed and most gratifying is the appreciation the guests express through their reviews on Airbnb. In the event there is an issue, Airbnb is there to assist. I am able to screen the prospective guest, require government issued identification, refuse to host a guest who does not have favorable reviews, among other things, which offer protection against undesirable guests. As an added note, I am present and visit my guests nearly 95% of the time to check on them during their stay. Airbnb has their own regulations that guests are required to follow, a sample of which is attached for your review.

Additionally, the economic advantages to our local businesses of locating Short-term rentals within the Town of Niagara cannot be overlooked. As evidenced by the highlighted reviews (attached) posted for a single family house I rent through Airbnb on Third Avenue, the proximity to the restaurants, Fashion Outlet Mall and other businesses has been mentioned several times. Even the smaller businesses such as Mom's Coffee Shop and Dairy Queen are mentioned.

There is no question that short term rentals located in a safe, convenient location are in high demand in the Niagara Falls area, which attracts over 8 million visitors a year. It has truly been rewarding to have met a variety of people, comprised mostly of families of all cultural and ethnic backgrounds and being able to serve them in providing housing accommodations for them in a neighborhood in which they felt safe and comfortable.

With regard to specifics in the local law, my comments are as follows:

#### **-Section 1 Purpose, Intent and Findings**

It is stated that pre-existing short term uses in the Agricultural and Residential Districts may continue for an amortization period of two years. They would be considered as legal, non-conforming use and would be prohibited after **TWO YEARS**. The two year period is specified twice in this Section, once in the first paragraph (Background) and also in the last paragraph of Section 1.

## ★ 4.93 · 99 reviews

Search reviews



Kristin

July 2021

LouAnn has a great place here, it's clean and comfortable and has excellent location to literally anything you could want. Grocery stores to cook a nice breakfast, restaurants for an easy dinner, a DQ within walking distance, shopping about a minute away at the outlet mall and of course a few minutes from the falls and other great attractions. the only thing you might like to know for a comfortable trip is that the one bedroom upstairs has pretty low ceilings so anyone about 6ft or taller is going to be uncomfortable, the two bedrooms downstairs are perfect.



Melissa

June 2021

Lou Ann's home is in a perfect location, it's comfy and cozy, and Lou Ann was a very nice host.



Kendall

June 2021

Lou Ann was a great host, the house was clean and close to many fun attractions. It was perfect for our family of 6.



Response from Lou Ann

June 2021

So glad you enjoyed your stay! We welcome you and your family anytime!



Cristian

June 2021

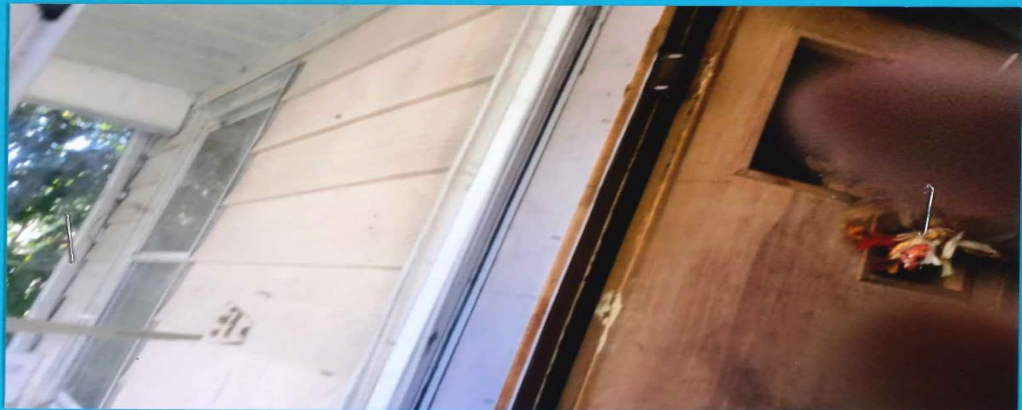


ABANDONED CAR



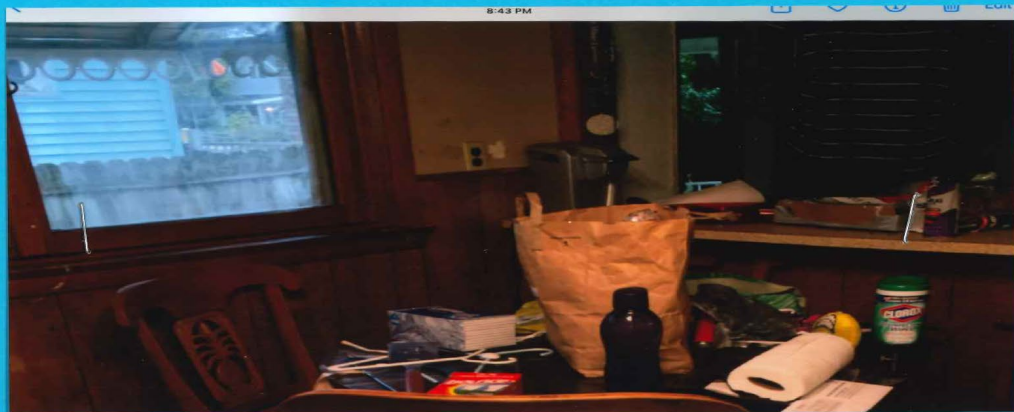


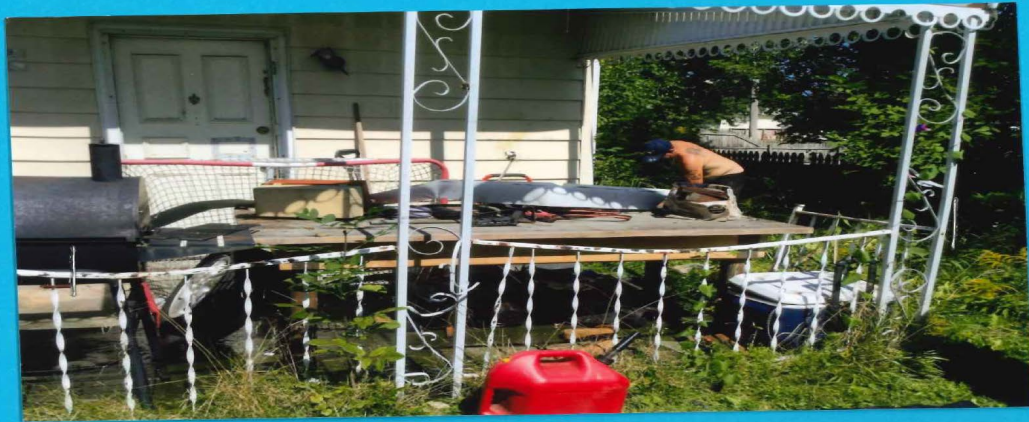
*BASEMENT*



*BROKEN DOOR*









HOUSE ON HVM AVE. - SOUTH SIDE OF STREET  
- ZONED RESIDENTIAL -



NORTH  
SIDE  
ZONED  
BUSINESS.



VIEW OF BUSINESS FROM FRONT PORCH.