

TOWN OF NIAGARA
TOWN BOARD MEETING
Tuesday, November 14, 2023
*Town of Niagara Town Hall
7105 Lockport Road
Niagara Falls, NY 14305
6:30 PM*

AGENDA

WORK SESSIONS
Wednesday, November 8 @ 6:30 pm

PUBLIC HEARING

OPEN MEETING (Pledge, Prayer, Roll Call)

(Residents who passed away since our last meeting are Memorialized at the end of this Agenda.)

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 October 17, 2023
2. Special Town Board Meeting of October 11, 2023

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 [S]
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 associated SEQRA for the final site plan, re-subdivision, identified code section waivers, and special-use permit request of Kristin Savard of (AGD) agent for 2429 Military Rd. LLC./ 2429 Military Rd. and V. Lots, Tax Map #'s 145.16-2-29, 146.13-11.1, and 146.13-2-1. (C. Haseley)
2. Resolution to approve the final site plan, re-subdivision, identified code section waivers, and special-use permit request of Kristin Savard of (ADG) agent for 2429 Military Rd. LLC. / 2429 Military Rd. and V. Lots, Tax Map #'s 145.16-2-29, 146.13-1-1.1, and 146.13-2-1. (C. Haseley)
3. Resolution to declare a negative declaration of associated SEQRA pertaining to the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Road Tax Map #131.19-1-45. (C Haseley).
4. Resolution to approve the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Road Tax Map # 131.19-1-45. (C Haseley) .
5. Resolution to declare a negative declaration the associated SEQRA for the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)
6. Resolution to approve the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)
7. Resolution approving assignment of Pine Avenue Landfill PILOT Agreement with AC Power 15, LLC to Calibrant NY III, LLC. (Risman)
8. Resolution to discuss reimbursement payment to Jeff Vicki for repairs to his personal vehicle that was damaged at the Water Dept. parking lot on October 20, 2023. (Beiter)
9. Resolution to approve The paperwork prepared by Attorney Michael Risman pertaining to the Witmer Cemetery Columbarium as follows:
Columbarium Rules and Regulations
Acknowledgement/Application for Niche purchase.
Deed for Columbarium Niche
Also receipts of the donated Columbarium from Town of Niagara Historian, Pete Ames. (Ames)

10. Resolution to approve Easement Access and Non-Disturbance Agreement between the Town of Niagara and Calibrant NY III LLC to allow the solar company to construct its Pine Avenue Landfill Solar Project partly in an area where the Town has an easement which the Town has not used and has no present need for, and enabling completion of the project which will result in PILOT payments for the Town for 15 years. The Town Supervisor is hereby authorized to sign the attached agreement and any related documents needed to facilitate the solar construction project. (Risman)
11. Discussion of the Alternative final site plan/resub division, to include the incorporation of a portion of the town owned paper street known as Pennsylvania Avenue request of Robert Burns, of 4501 JDC LLC 4501 Hyde Park Blvd/Tax Map #130.15-5-1.1 & 1.2. (Haseley)
12. Resolution to declare a negative declaration on the associated SEQRA for the final site (plan A) /resub division request of Robert Burns of 4501 JDC LLC 4501 Hyde Park Blvd. / Tax Map #130.15-5-1.1 & 1.2. (Haseley)
13. Resolution to approve the final site plan (Plan A) /re-subdivision request of Robert Burn, of 4501 JDC LLC. 4501 Hyde Park Blvd./Tax map # 130.15-5-1.1 & 1.2. (Haseley)
14. Resolution to declare a negative declaration of associated SEQRA pertaining to the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC 3401 Military Rd. Tax Map # 131.19-1-45. (Haseley)
15. Resolution to approve the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC 3401 Military Tax Map # 131.19-1-45. (Haseley)
17. Resolution to declare a negative declaration on the associated SEQRA for the minor re-subdivision request of DeAnna Hyche of the Broadway Group LLC 9400 Lockport Road/Tax Map #132.14-1-4. (Haseley)
18. Resolution to approve the minor re-subdivision request of DeAnna Hyche of The Broadway Group LLC 9400 Lockport Road/ Tax map # 132.14-1-4. (Haseley)
19. Resolution to approve the minor subdivision request of Joseph C. Smith of David Smith Enterprise, LLC/Tax Map #'s 146.19-2-3 & 146.19-2-4.1 & 2. (Haseley)
20. Resolution to declare a negative declaration on the associated SEQRA for the final site plan request of Michael Rotella of Wayside Nursery, 7431 Porter Road/Tax map #145.12-3-33. (Haseley)
21. Resolution to approve the final site plan request of Michael Rotella of Wayside Nursery 7431 Porter Road/Tax Map #145.12-3-33. (Haseley)

TABLED

COMMENTS

ADJOURNMENT

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE
www.townofniagara.com

TOWN OF NIAGARA TOWN BOARD

Resolution Approving Assignment of Payment in Lieu of Taxes Agreement for Solar Energy Systems

WHEREAS, the Town of Niagara (the “Town”) and AC Power 15, LLC (“AC Power”) entered into a Payment In Lieu of Taxes Agreement for Solar Energy Systems dated as of August 1, 2023 (the “PILOT Agreement”) with respect to two approximately 5 megawatt (“MW”) AC solar energy facilities (“Project”) on approximately 38 acres of land (“Property”) in the Town of Niagara, New York (“Town”); and

WHEREAS, pursuant to an asset purchase agreement, AC Power has agreed to sell the Project to Calibrant NY III, LLC (“Calibrant”); and

WHEREAS, Calibrant will own and operate the Project in conformance with all approvals and agreements with the Town, including the PILOT Agreement; and

WHEREAS, pursuant to Section 7(a) of the PILOT Agreement, AC Power may assign the agreement, upon the Town’s consent, which may not be unreasonably withheld; and

WHEREAS, AC Power has provided the Town information regarding Calibrant’s capabilities to own and operate the Project;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Niagara consents to the assignment of the PILOT Agreement from AC Power to Calibrant and such consent shall become immediately effective upon AC Power’s delivery to the Town of Calibrant’s written agreement to accept all the obligations of AC Power under the PILOT Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in accordance with Section 7(a) of the Agreement, upon such delivery of Calibrant’s written agreement as described above, AC Power shall be released from all obligations under the Agreement.

TOWN OF NIAGARA

LOCAL LAW NO. 4 -2023

Amending the Zoning Code of the Town of Niagara to remove
Self-Storage Facilities as a permitted principal use in the
B-1 General Commercial District and clarifying
Self-Storage Facilities as a permitted principal use in the
LI Light Industrial District and HI Heavy Industrial District

Be it hereby enacted by the Town Board of the Town of Niagara as follows:

Chapter 245 of the Town of Niagara Town Code ("Town Code"), is hereby amended to remove certain provisions from Town Code § 245-22.A and add new provisions clarifying Town Code§ 245-24.A and§ 245-13 as follows:

SECTION 1: Purpose, Intent, and Findings.

As set forth in Town Code§ 245-3, the Purpose and Intent of the Town Code is to "encourage the most appropriate use of the land throughout the Town and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses; all in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, to encourage the flexible design and development of land so as to promote the most appropriate use of lands, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of our lands and to enhance the quality of the Town."

Self-Storage Facilities are currently permitted in the B-1 General Commercial District under Town Code § 245-22.A(I)(1). While historically permitted in the LI Light Industrial District and HI Heavy Industrial Districts under Town Code§ 245-24 and § 245-26 respectively, the term "Self- Storage Facility" was not expressly listed as a permitted principal use.

It is the legislative determination of the Town of Niagara Town Board ("Town Board") that, appropriately sited, Self-Storage Facilities are a beneficial use to the community and provide a necessary service. However, the health, safety, and welfare of the Town requires that such use be limited to zoning districts intended for industrial use. The Town Board has determined that the amendment set forth below will achieve the purpose and intent of the Zoning Code of the Town of Niagara and benefit the community by limiting Self-Storage Facilities to the LI Light Industrial District and HI Heavy Industrial Districts.

SECTION 2: Zoning Code Amendment

Town Code § 245-22

Town Code § 245-22.A(I)(I) currently states:

A. Permitted Principal Uses

(I) Retail business establishments such as, but not limited to, the following:

(I) Self-storage facilities and mailing, mailbox and conference facilities.
Town Code § 245-22.A(I)(I) is hereby amended to strike "self-storage facilities" and read in its entirety as follows:

A. Permitted Principal Uses

(I) Retail business establishments such as, but not limited to, the following:

(I) Mailing, mailbox and conference facilities.

Town Code § 245-24

Town Code § 245-24.A is hereby amended to add a new paragraph (19) to read in its entirety as follows:

A. Permitted Principal Uses

(19) Self-storage facilities.

Town Code § 245-13

Town Code § 245-13 is hereby amended to add a new paragraph defining self-storage facilities as follows:

SELF-STORAGE FACILITY

A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users.

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.

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

MINUTES

Tuesday, October 17, 2023
6:30 PM

PUBLIC HEARING

1. To consider directing the owner of the property at 3425 Hyde Park Boulevard to abate the dangerous and unsafe property conditions and to authorize the Town to assess and past, present, or future costs it incurs to make the property safe for the public against the property in the same manner as taxes are levied against the property pursuant to Chapters 121 and 122 of the Town of Niagara Town Code. (M. Risman)

Opened at 6:30 pm. Mary Felvus 3325 Hyde Park Blvd. stated the poor conditions and danger of the area. Vehicles all parked along side of the building.

Closed at 6:31 pm.

2. In regards to Local Law 2023-4 amending the permitted use in B-1 for construction of self storage facilities and mailing, mailbox and conference facilities, records storage facilities or warehouses for the storage of goods and products within the Town of Niagara.

Opened at 6:31 Mike Richards 4835 Saunders Settlement Road is concerned he purchased Motor Services behind him on 5000 Sweethome Road intends to make it a warehouse for his Cub Cadet business and store his own property would like to confirm he can do this. Town Clerk Virtuoso wants to verify that it will not be rented in any way and storing just his own property because it will not be in the zoning for that type of storage. Mr. Richards stated he will not be renting the warehouse just storing his own property.

Closed at 6:33 pm.

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, Charles F. Teixeira, Deputy Supervisor, Councilman Sam Gatto, Councilman Marc M. Carpenter

Absent: none

Excused: 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)

No speakers

APPROVAL OF MINUTES

1. Town Board Meeting of September 19, 2023

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion approved.

2. Special Town Board Meeting of October 11, 2023

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion approved.

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

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion approved.

PAYMENT OF BILLS

General Fund prepay vouchers [A] \$32,479.76

General Fund vouchers [A] \$102,952.96

Sewer Fund prepay vouchers [G] \$1,280.39

Sewer Fund vouchers [G] \$163,879.52

Water Fund vouchers [F] \$100,588.91

Water Fund vouchers prepay [F] \$17,919.38

Highway Fund vouchers [DA] \$12,534.36

Highway Fund prepay vouchers [DA] \$79.90

Fire Protection prepay vouchers [SF] \$271.58

Fire Protection [S] \$154.84

Street Lighting vouchers [SL]

Street Lighting Pre-Pay vouchers [SL] \$8,526.49

Trust & Agency Pre-Pay vouchers [TA] \$6,115.22

Trust & Agency vouchers [TA] \$19,039.80

Capital Projects prepay vouchers [H] \$

Capital Projects vouchers [H] \$25,763.49

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Resolution to notify the owner of the property at 3425 Hyde Park Boulevard to abate the dangerous and unsafe property conditions and to authorize the Town to assess past, present, or future costs it incurs to make the property safe for the public against the property in the same manner as taxes are levied against the property pursuant to Chapters 121 and 122 of the Town of Niagara Town Code. (M. Risman)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

2. Resolution to approve the promotion of Officer Anthony Haag from permanent Part-Time to Full-Time status. The position is budgeted for 2024 and due to a currently deployed Officer, 2023 budgeted funds are available. (Guiliani)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

3. Resolution to approve the provisional promotion of Lt. Jeff Spears to Captain pending the results of the October 2024 promotional exam. (Guiliani)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

4. Resolution to approve the following budget transfers:

From:

DA5110.1 General Repairs Payroll 30,000.00

DA5112.1 Permanent Improv Payroll 15,000.00

DA5148.1 Services Other Govt Payroll 3,000.00

To:

DA5110.4 General Repairs Contractual 20,000.00

DA5112.4 Perm Improv Contractual 27,000.00

DA5140.4 Miscellaneous Contractual 1,000.00

From: F8340.2 T&D Equipment 35,000.00

To: F9060.8 Hospital and Medical 35,000.00

From:

A1440.4 Engineering Contractual 20,000.00

A3620.2 Safety Inspect Equip 6,000.00

A7110.2 Parks Equipment 30,000.00

A7140.4 Special Recreation 10,000.00

A8090.4 Citizens Advisory 3,700.00

A8540.4 Drainage Contractual 9,000.00

A9050.8 Unemployment Insurance 10,000.00

To:

A1420.4 Attorney Contractual 14,300.00

A1680.4 Central Data Processing 2,000.00

A1910.4 Unallocated Insurance 2,500.00

A1920.4 Municipal Dues 1,500.00

A3310.4 Traffic Control Contractual 1,400.00

A5010.4 Hwy Superintendent 2,500.00

A7110.4 Parks Contractual 19,500.00

A7310.1 Youth Program Payroll 45,000.00

From:

F8340.02 T&D Equipment

To:

Motion to approve by Councilman Teixeira second by Councilman Gatto.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

5. Resolution to approve the water dept. for the purchase of an 8” Sensus Water Meter for the Border Patrol project going in on Tuscarora Road for the amount of \$20,479.00 to be reimbursed to the water dept. by the project under a water meter.(Beiter)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

6. Resolution to declare a negative declaration on the associated SEQRA for the Special Use request of Gunwant & Harpal Sodhi for an in home occupation to operate an art studio at 9701 Porter Road Tax map #146.19-3.1. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

7. Resolution to approve a Special Use Permit of Gunwant & Harpal Sodhi for an in home occupation to operate an art studio at 9701 Porter Road Tax map #146.19-3.1. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

8. Resolution to approve the purchase of heat and air conditioning unit for breakroom, bathroom and office of the Highway Dept. not to exceed \$11,000.00(Sirianni)

Motion to approve by Councilman Gatto second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

9. Resolution to approve unpaid water, sewer, water/sewer fee and Town Charges onto the 2024 Tax Warrant. Total Unpaid Water \$71,035.15. Total unpaid sewer \$124,384.05. Total Unpaid Town Charges \$32,003.80. Total unpaid water/sewer fee \$45,300. Total Town Charges \$32,003.80. Grant Total to be added to warrant is \$272,723. (J. Bird)

Motion to approve by Councilman Gatto second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

10. Resolution to approve the purchase of one LIVESCAN Palm Scanner and subsequent computer equipment, service, and support for \$30,598.00. The purchase is paid for by a DCJS Livecan grant secured by the Police department.(Guiliani)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes – Wallace, Teixeira, Gatto, Carpenter

Noes – none

Abstain – none

Motion carried.

Motion carried.

TABLED

1. Resolution to declare a negative declaration on the associated SEQRA for the final site plan, re-subdivision, identified code section waivers, and special-use permit request of Kristin Savard of (AGD) agent for 2429 Military Rd. LLC./ 2429 Military Rd. and V. Lots, Tax Map #'s 145.16-2-29, 146.13-11.1, and 146.13-2-1. (C. Haseley)

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4. Resolution to approve the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Road Tax Map # 131.19-1-45.

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5. Resolution to declare a negative declaration the associated SEQRA for the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)

6. Resolution to approve the final site plan Minor re-subdivision/combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp. 7311 Porter Road Tax Map #145.12-3-17 & 18. (Haseley)

COMMENTS

Everyone says Congratulations to the Police Officers, Jeff Spears to Captain and Anthony Haag to Full Time.

Next month meetings Nov 8 Work Session Meeting November 14.

ADJOURNMENT

Motion to adjourn by Councilman Carpenter second by Councilman Teixeira. All in favor.

Meeting adjourned at 7:07 pm.

Respectfully submitted,

Sylvia Virtuoso

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com

HALLOWEEN TRICK OR TREAT HOURS ARE ON OCTOBER 31 FROM 4-7 PM

IN MEMORIAM

Barbara Bucci

Fran Maria Ferrusi

Robert Lee Kennedy

William Frederick McAllister

John T. Barr

TOWN OF NIAGARA

LOCAL LAW NO. 4 -2023

Amending the Zoning Code of the Town of Niagara to
remove Self-Storage Facilities as a permitted principal use
in the

B-1 General Commercial District and clarifying
Self-Storage Facilities as a permitted principal use in the
LI Light Industrial District and HI Heavy Industrial District

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SECTION 1: Purpose, Intent, and Findings.

As set forth in Town Code§ 245-3, the Purpose and Intent of the Town Code is to "encourage the most appropriate use of the land throughout the Town and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses; all in accordance with a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, to encourage the flexible design and development of land so as to promote the most appropriate use of lands, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of our lands and to enhance the quality of the Town."

Self-Storage Facilities are currently permitted in the B-1 General Commercial District under Town Code § 245-22.A(I)(1). While historically permitted in the LI Light Industrial District and HI Heavy Industrial Districts under Town Code§ 245-24 and § 245-26 respectively, the term "Self- Storage Facility" was not expressly listed as a permitted principal use.

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be limited to zoning districts intended for industrial use. The Town Board has determined that the amendment set forth below will achieve the purpose and intent of the Zoning Code of the Town of Niagara and benefit the community by limiting Self-Storage Facilities to the LI Light Industrial District and HI Heavy Industrial Districts.

SECTION 2: Zoning Code Amendment

Town Code § 245-22

Town Code § 245-22.A(1)(I) currently states:

A. Permitted Principal Uses

(I) Retail business establishments such as, but not limited to, the following:

(I) Self-storage facilities and mailing, mailbox and conference facilities.

Town Code§ 245-22.A(1)(I) is hereby amended to strike "self-storage facilities" and read in its entirety as follows:

A. Permitted Principal Uses

(I) Retail business establishments such as, but not limited to, the following:

(I) Mailing, mailbox and conference facilities.

Town Code§ 245-24

Town Code § 245-24.A is hereby amended to add a new paragraph (19) to read in its entirety as follows:

A. Permitted Principal Uses

(19) Self-storage facilities.

Town Code§ 245-13

Town Code § 245-13 is hereby amended to add a new paragraph defining self-storage facilities as follows:

SELF-STORAGE FACILITY

A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users.

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.



RECEIVED

OCT 26 2023

TOWN OF NIAGARA
TOWN CLERK

AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: 10/26/23
TO: Sylvia Virtuoso
FROM: Pete Ames
DEPARTMENT: Historian

Type or print agenda item in box below:

Acceptance of paperwork prepared by attorney Michael Risman pertaining to the Wither Cemetery Columbarium as follows:
Columbarium Rules and Regulations.
Acknowledgement/Application for niche purchase.
Deed for Columbarium niche.
Also receipt of the donated Columbarium from Town of Niagara historian, Pete Ames

Three Town Board Member signatures required for adding Late Agenda items handed in after 12PM on the last work day of the month.

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

Columbarium Rules and Regulations

The regulations regarding the columbarium under the control of the Town of Niagara and located in Witmer Cemetery on Witmer Road in the Town may be amended by the Town Board without notice as deemed appropriate.

A. Niche Engraving

1. Engraving shall consist of first name, middle initial, last name and suffix (i.e. Jr., Sr., Dr., Esq.) as space allows per single internment;
2. The year of birth and the date of death may be engraved; full dates will only be permissible if space allows;
3. Niche lettering, lines, and design must be selected by purchaser from list of approved sketches provided by cemetery official; final approval by Town Clerk and/or cemetery official is required;
4. There will only be 3 symbols allowed-a heart or a Christian cross. Veterans will be accommodated by a star or a standard US Government 2-inch Medallion;
5. Lettering size shall be sand blasted using Roman Letters;
6. The engraver will apply special black paint to accent the lettering;
7. Purchaser will make payment for niche, opening fee/inscription to the Town of Niagara Town Clerk;
8. Should a single niche later become a double niche, the owner of the niche or legal heir or guardian is responsible for the cost of a new faceplate tile if required and any new engraving;
9. Name changes may be made to the niche door with the full cost to the owner or family of the deceased and pre-approved by cemetery official.

B. Containers

1. No more than 2 cremated remains are allowed per niche; Each individual urn/container must be distinctly identified with the name of the deceased if more than one urn is placed in a single niche;
2. The containers must be no larger than 11 inches in height, 9.5" in width or 7.5" in depth;
3. Cremation Certificate must be presented prior to internment;
4. All remains must be contained in a non-ferrous metal (copper or bronze) or other non-biodegradable material (hard plastic) to prevent damage to the remains and the columbarium;

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

ACKNOWLEDGEMENT: receipt of the Town of Niagara Witmer Cemetery Rules

and Regulations on this ____ day of _____, 20 ____ Purchaser signature _____

APPLICATION FOR NICHE IN WITMER CEMETERY COLUMBARIUM \$2,000 Check # _____ Cash _____

Purchaser Contact Information:

Name: _____ Niche # _____

Mailing Address: _____

Email address: _____ Telephone Number(s) _____

Heir or Designee Contact Information:

Name: _____ Telephone Number (s): _____

Mailing Address: _____

Email address: _____

Next of kin contact Information if different from above or additional:

Name: _____ Telephone Number(s) _____

Mailing Address: _____

Email address: _____

First inscription (attached): \$500 Check # _____ Cash _____

Second inscription (attached) if applicable: \$500 Check # _____ Cash _____

Return this form to the Town of Niagara Town Clerk 7105 Lockport Road, Niagara Falls, NY 14305

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

Town of Niagara
Witmer Cemetery
COLUMBARIUM DEED

KNOW ALL MEN BY THESE PRESENTS, that the **TOWN OF NIAGARA WITMER CEMETERY**, in consideration of _____ Dollars (\$ _____), the receipt whereof is hereby acknowledged, **DOES**, hereby grant, sell and convey unto (purchaser) _____, COLUMBARIUM NICHE NUMBER _____ at the WITMER CEMETERY in the Town of Niagara, Niagara County, New York.

TO HAVE AND TO HOLD the niche herein granted to the said (purchaser) _____, his or her heirs and assigns forever, **for an internment/lot place**: subject, however, at all times, to the Town of Niagara Rules and Regulations and conditions and restrictions of all laws and regulations of the State of New York, bearing upon the quiet and peaceable possession of the purchaser _____, his or her heirs and assigns, for the purposes and on the conditions above named, the said Town of Niagara Witmer Cemetery will **Warrant and Defend** the said premises.

In the event the cremains are removed and there are no designees listed, the Town of Niagara Witmer Cemetery reserves the right to resell the niche to another purchaser without further notice to the purchaser herein.

IN WITNESS THEREOF, the **TOWN OF NIAGARA WITMER CEMETERY**, has, by its town official, caused this instrument to be attested to on the _____ day of _____, 20____.

(Signature of Purchaser)

(Signature of Town Official)

(Print Name of Purchaser)

(Print Name of Town Official)

(Title of Town Official)

**Postal Products Unlimited, Inc.™**

500 W. Oklahoma Ave.
Milwaukee, WI 53207-2649
F.I.N. - 39-1700593
(800) 229-4500
(414) 290-1500
Fax: (800) 570-0007

www.postalproducts.com (For USPS use only)
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INVOICE # 5336525

CUSTOMER # 3187579

INVOICE**BILL TO:**

Pete Ames
Town of Niagara
Witmer Road
Niagara, NY 14305

SHIP TO:

Pete Ames
Town of Niagara
East Corner Of Witmer Road
Pennsylvania Ave. South Of Cerone T
Town of Niagara, NY 14305

DATE		SHIP VIA		F.O.B.		TERMS	
10/04/2023		STD				VISA	
PURCHASE ORDER #		ORDER DATE		SALES PERSON		OUR ORDER #	
578942		10/02/2023		Uzziel Dourado		6677271-1	
QUANTITY			ITEM #	DESCRIPTION	UNIT PRICE	EXTENDED PRICE	
ORDERED	SHIPPED	B.O					
1	1	0	N1029611	8 Column Single Sided Columbarium - With Tiles	9457.00	9457.00	
8 column single sided columbarium w/ 40 "D" Size niches w/ venetian gold tiles & silver trim				Address: East Corner of Witmer Rd. & Pennsylvania Ave. South of Cerone Trucking. Cust will meet driver, driver to call 716-297-4429. Must be on sturdy pallet Product Not In Inventory for Sample	0.00	0.00	
Address: East Corner of Witmer Rd. & Pennsylvania Ave. South of Cerone Trucking.							
Cust will meet driver, driver to call 716-297-4429. Must be on sturdy pallet							
1	1	0	SAMPLE				
6 extra tiles in box on pallet							
				Merchandise Total		9457.00	
				Net Merchandise Total		9457.00	
				Shipping		1045.00	
				Total		10502.00	
				Less PrePayments		10502.00	
				Net Amount Due		0.00	
CREDIT CARD PAYMENT APPLIED							

CREDIT CARD PAYMENT APPLIED

Paid in full by Pete Ames - donated to Town of Niagara
Pete will retain niches A1 & A8 under his ownership and
will be responsible for the cost of the inscriptions on the tiles.

RECEIVED

OCT 30



RECEIVED

OCT 30 2023

TOWN OF NIAGARA
TOWN CLERK

TOWN OF NIAGARA
TOWN CLERK

AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: October 27, 2023
TO: Town Board
FROM: Brian Beiter
DEPARTMENT: Water and Sewer Department

Type or print agenda item in box below:

Resolution to discuss reimbursement payment to Jeff Vicki for repairs to his vehicle that was damaged at the Water Dept. parking lot on October 20, 2023.

Three Town Board Member signatures required for adding **Late** Agenda items handed in after **12PM** on the last work day of the month.

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR
LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

On September 20th my personal truck was parked in the Water Dept. employee parking lot. Between the hours of 7 am and 10:30 am my truck was hit by something that caused a gouge/dent on the rear driver's side door. A police report was taken and filed. The cameras were reviewed but my truck was out of view. Attached is an estimate for repair. My personal car insurance was notified and paying for the repair but I am looking for the reimbursement of my deductible (\$500.00)

NYCM INSURANCE

FOR YOU!

www.nycm.com

ALL SUPPLEMENTS CALL 716-368-4725

1899 Central Plaza East

Edmeston, NY 13335

Phone: (800) 234-6926

Claim #:
Workfile ID:

20236300520-I-1-1
581ec12d

Estimate of Record

Written By: GUY BAX, License Number: IA-888144, 10/20/2023 7:09:18 AM

Insured:	JEFFREY P VICKI	Owner Policy #:	80237295	Claim #:	20236300520-I-1-1
Type of Loss:	Collision	Date of Loss:	09/20/2023 12:00 AM	Days to Repair:	3
Point of Impact:	08 Left Qtr Post (Left Side)	Deductible:	500.00		

Owner (Insured):

JEFFREY P VICKI
6294 S WHITHAM DR
NIAGARA FALLS, NY 14304
(716) 523-1723 Evening
jvic13@roadrunner.com

Inspection Location:

Quick Estimate
Desk

Appraiser Information:

gbax@nycm.com
(716) 368-4725

Repair Facility:

VEHICLE

2023 RAM 1500 Big Horn Crew Cab 4WD w/5'7" Box 4D SHORT 6-3.6L Hybrid Sequential MPI Bright White Clearco

VIN:	1C6RRFFG6PN638326	Production Date:	05/2023	Interior Color:	Black
License:	UNK	Odometer:	1071	Exterior Color:	Bright White Clearco
State:	NY	Condition:	Good		

TRANSMISSION

Automatic Transmission
4 Wheel Drive

POWER

Power Steering
Power Brakes
Power Windows
Power Locks
Power Mirrors
Heated Mirrors
Power Driver Seat

DECOR

Dual Mirrors
Privacy Glass
Console/Storage
Overhead Console

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Message Center

Steering Wheel Touch Controls

Telescopic Wheel

Heated Steering Wheel

Backup Camera

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

Auxiliary Audio Connection

Satellite Radio

SAFETY

Drivers Side Air Bag
Passenger Air Bag
Anti-Lock Brakes (4)
4 Wheel Disc Brakes
Traction Control
Stability Control
Front Side Impact Air Bags
Head/Curtain Air Bags
Communications System
Hands Free Device

SEATS

Cloth Seats
Bucket Seats
Reclining/Lounge Seats
Heated Seats

WHEELS

Aluminum/Alloy Wheels

PAINT

Clear Coat Paint

OTHER

Fog Lamps
Signal Integrated Mirrors
California Emissions
TRUCK
Rear Step Bumper
Power Rear Window
Trailer Hitch
Trailer Package
Running Boards/Side Steps

Estimate of Record

2023 RAM 1500 Big Horn Crew Cab 4WD w/5'7" Box 4D SHORT 6-3.6L Hybrid Sequential MPI Bright White Clearco

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		SPECIAL PRECAUTION					
2	#	Subl ***REPAIRABLE***		1			
3		CAB					
4	*	Blnd LT Uniside panel-cab corner	68293785AD		s		2.0
5		REAR DOOR					
6	*	Rpr LT Outer panel	68292551AD			3.0	2.8
7		Add for Clear Coat					1.1
8		R&I LT Belt w/strip w/o chrome	68285877AE			0.3	
9		R&I LT Door glass RAM w/dark tint	68276781AD			0.6	
10		R&I LT Run w/strip	68285725AF			0.2	
		NOTE: LABOR: Time is after door glass is removed.					
11		R&I LT R&I carrier assy	68321305AA			Incl.	
12		R&I LT Handle, outside body color, w/o chrome white	6DF95GW7AC			0.3	
13		R&I LT R&I trim panel	6SL771X9AA			0.5	
14		PICK UP BOX					
15	*	R&I R&I box assy-set back	NONE			2.5	
16		REAR BUMPER					
17		R&I R&I bumper assy	68404437AB			1.0	
		NOTE: remove to set box back					
18		MISCELLANEOUS OPERATIONS					
19	#	Subl Hazardous Waste Removal		1	3.00 T		
20	**	A/M Car Cover		1	5.00 T	0.2	
21	**	A/M Corrosion Protection		1	12.00 T	0.2	
SUBTOTALS					20.00	8.8	5.9

NOTES

Estimate Notes:
NO PHOTO OF LICENSE PLATE IN PHOTOS

Estimate of Record

2023 RAM 1500 Big Horn Crew Cab 4WD w/5'7" Box 4D SHORT 6-3.6L Hybrid Sequential MPI Bright White Clearco

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			0.00
Body Labor	8.8 hrs @	\$ 56.00 /hr	492.80
Paint Labor	5.9 hrs @	\$ 56.00 /hr	330.40
Paint Supplies	5.9 hrs @	\$ 35.00 /hr	206.50
Miscellaneous			20.00
Subtotal			1,049.70
Sales Tax	\$ 1,049.70 @	8.0000 %	83.98
Total Cost of Repairs			1,133.68
Deductible			500.00
Total Adjustments			500.00
Net Cost of Repairs			633.68

All supplements must be pre-approved by NYCM. Please call 716-368-4725 between 8-4

No supplements will be paid unless approved by NYCM prior to repairs being completed.

This estimate is not an authorization of repair. Repair must be authorized by the vehicle owner.

Vehicle owner maintains the right to repair vehicle at the repair shop of their choice.

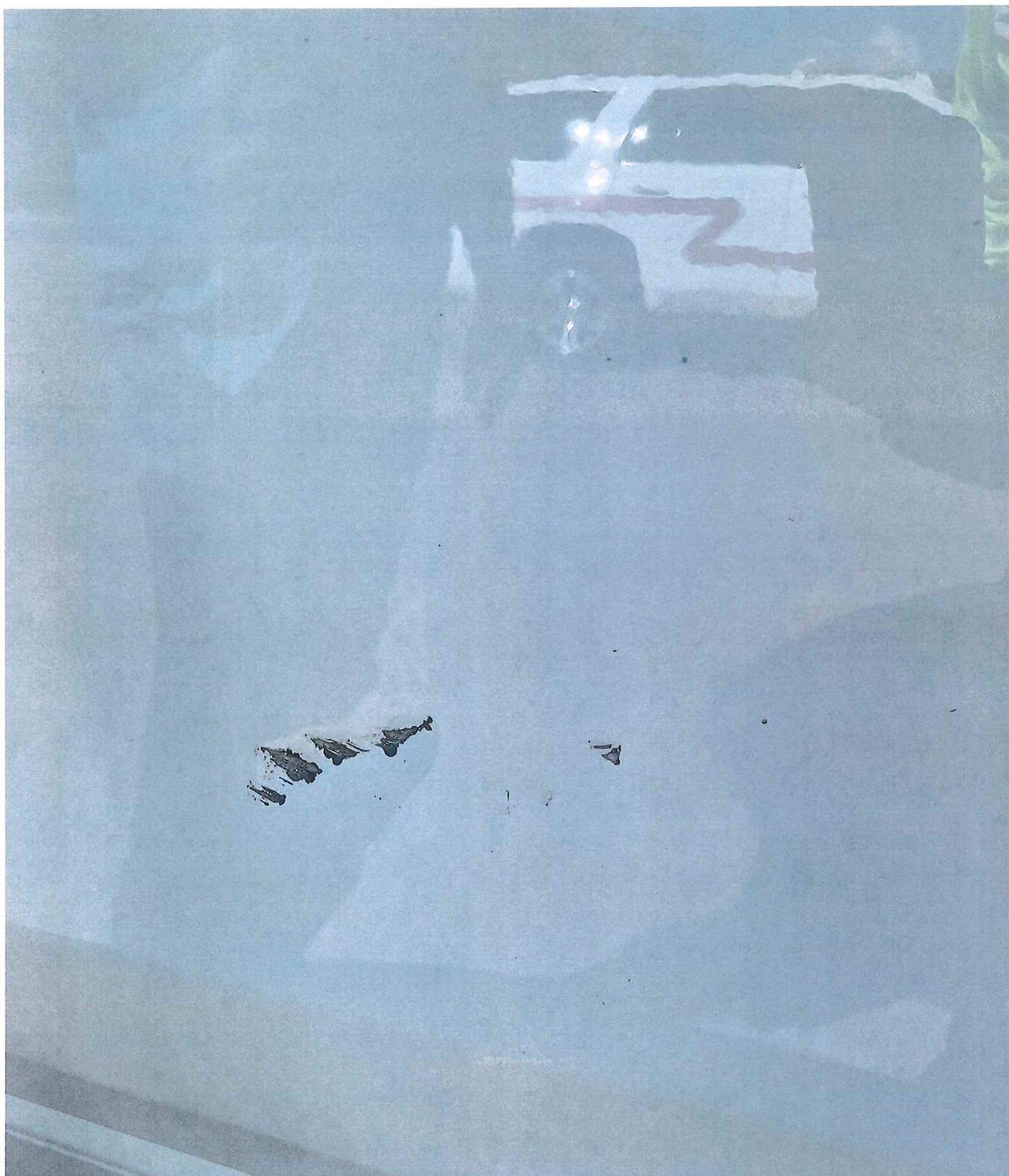
"PURSUANT TO SECTION 2610 OF THE INSURANCE LAW, AN INSURANCE COMPANY CANNOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE THE RIGHT TO HAVE YOUR VEHICLE REPAIRED IN THE SHOP OF YOUR CHOICE".

Please present estimate to repair shop prior to repairs.

Upon customer request we will provide information regarding repair shops that will repair the vehicle for the appraised amount if necessary.

If the appraisal specifies used parts the parts will be of like, kind and quality or better than the damaged parts being replaced.

NYCM honors the prevailing labor rate in your area for your property. If the shop you choose charges additional above the prevailing market rate it will be your responsibility to pay the difference.







102

RECEIVED

SEP 29 2023

TOWN OF NIAGARA
TOWN CLERK

AGENDA ITEM

ALL AGENDA ITEMS MUST BE SUBMITTED BY THE
LAST DAY OF THE MONTH BEFORE 12 P.M.

AGENDA ITEMS WILL BE COPIED TO THE TOWN BOARD
FOR THEIR SIGNATURES (below) FOR ADDITION TO THE AGENDA.

DATE: 9/25/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

1062

- Resolution to declare a negative declaration on the associated SEQRA for the final site plan, Minor re-subdivision /combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp.

7311 Porter Rd./Tax Map # 145.12-3-17 & 18

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



★ 2 of 2

RECEIVED

SEP 29 2023

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA ITEM

ALL AGENDA ITEMS MUST BE SUBMITTED BY THE
LAST DAY OF THE MONTH BEFORE 12 P.M.

AGENDA ITEMS WILL BE COPIED TO THE TOWN BOARD
FOR THEIR SIGNATURES (below) FOR ADDITION TO THE AGENDA.

DATE: 9/25/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

2 of 2

- Resolution to approve the final site plan, Minor re-subdivision /combination of lots request of James Baptiste RA, AIA, agent for Norgen Biotek Corp.
7311 Porter Rd./Tax Map # 145.12-3-17 & 18

Three Town Board Member signatures required for adding Late Agenda items

_____	_____
_____	_____
_____	_____

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____

**TOWN OF NIAGARA
REQUEST FOR BOARD ACTION**



Date: 8/17/2023

1. James Baptiste, RA, AIA (716) 990-3057 www.AanowaraArchitecture.com
Applicant Phone Number E-Mail

945 Edna Drive Niagara Falls New York 14092
Address City state Zip Code

2. Type of Action: ☒ Preliminary Site Plan ☐ Sketch Plan Review ☐ Final Site Plan Review
☐ Use Variance ☐ Area Variance ☐ Special - Use Permit ☐ Rezoning Applications
☐ Re-subdivision / Combination of lots

3. Property Description: 7311 Porter Road Niagara Falls N.Y. 14304
Address of project

Current Use : (B-1) Office Space / Proposed use: (B-1) Mercantile/ accessory storage

Located on the South side of Porter Rd. between Packard Rd. and Recovery Rd.

Tax Map Number: 145.12-3-17

RECEIVED

SEP 18 2023

**TOWN OF NIAGARA
BLDG. INSP. OFFICE**

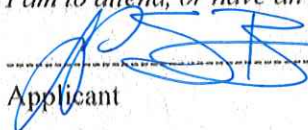
Within Flood Zone ☐ yes ☒ No
Within 100' of a Regulated Wetland ☐ yes ☒ No

4. Supporting documentation:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Letter of Intent | <input type="checkbox"/> Zoning Board of Appeals \$ |
| <input checked="" type="checkbox"/> Agents Letter (As Applicable) | <input type="checkbox"/> Tower application |
| <input checked="" type="checkbox"/> Environmental Assessment Form | <input checked="" type="checkbox"/> Planning Board Fee. \$ 200.00 |
| <input checked="" type="checkbox"/> Survey/Legal Description | <input checked="" type="checkbox"/> Engineering Cost Recovery \$ 2,000.00 |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Development in a Floodplain |
| <input checked="" type="checkbox"/> Drawings (if required) | <input type="checkbox"/> SWPP Review & Inspection fee |
| <input type="checkbox"/> Application for Building Permit | <input type="checkbox"/> Special Use Permit App. \$ |
| <input type="checkbox"/> Re-subdivision application fee \$ | <input type="checkbox"/> Rezoning Application fee \$ |

Note: applicant and or their agents are to attend all board meetings associated with this request.

I certify that I have been made aware of the applicable Town meeting dates associated with this project, and as applicant I am to attend, or have an authorized agent act on my behalf at all meetings.


Applicant


Administrative Official



AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: October 27, 2023
TO: Town of Niagara Town Board
FROM: Michael B. Risan, Esq.
DEPARTMENT: Town Attorney

Type or print agenda item in box below:

**Resolution approving assignment of Pine Avenue Landfill
PILOT Agreement with AC Power 15, LLC to Calibrant NY III,
LLC.**

Three Town Board Member signatures required for adding Late Agenda items handed in
after **12PM** on the last work day of the month.

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ *(Supervisor Initials)*

TOWN OF NIAGARA TOWN BOARD

Resolution Approving Assignment of Payment in Lieu of Taxes Agreement for Solar Energy Systems

WHEREAS, the Town of Niagara (the “Town”) and AC Power 15, LLC (“AC Power”) entered into a Payment In Lieu of Taxes Agreement for Solar Energy Systems dated as of August 1, 2023 (the “PILOT Agreement”) with respect to two approximately 5 megawatt (“MW”) AC solar energy facilities (“Project”) on approximately 38 acres of land (“Property”) in the Town of Niagara, New York (“Town”); and

WHEREAS, pursuant to an asset purchase agreement, AC Power has agreed to sell the Project to Calibrant NY III, LLC (“Calibrant”); and

WHEREAS, Calibrant will own and operate the Project in conformance with all approvals and agreements with the Town, including the PILOT Agreement; and

WHEREAS, pursuant to Section 7(a) of the PILOT Agreement, AC Power may assign the agreement, upon the Town’s consent, which may not be unreasonably withheld; and

WHEREAS, AC Power has provided the Town information regarding Calibrant’s capabilities to own and operate the Project;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Niagara consents to the assignment of the PILOT Agreement from AC Power to Calibrant and such consent shall become immediately effective upon AC Power’s delivery to the Town of Calibrant’s written agreement to accept all the obligations of AC Power under the PILOT Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in accordance with Section 7(a) of the Agreement, upon such delivery of Calibrant’s written agreement as described above, AC Power shall be released from all obligations under the Agreement.



RECEIVED

OCT 13 2023

TOWN OF NIAGARA
TOWN CLERK

AGENDA ITEM FORM

ALL AGENDA ITEMS MUST BE SUBMITTED TO THE TOWN CLERK
BY THE
LAST WORK DAY OF THE MONTH BEFORE 12 P.M.

DATE: October 12, 2023
TO: Town of Niagara Town Board
FROM: Michael B. Risan, Esq.
DEPARTMENT: Town Attorney

Type or print agenda item in box below:

Resolution to approve Easement Access and Non-Disturbance Agreement between the Town of Niagara and AC Power LLC to allow the solar company to construct its Pine Avenue Landfill Solar Project partly in an area where the Town has an easement which the Town has not used and has no present need for, and enabling completion of the project which will result in PILOT payments to the Town for 15 years. The Town Supervisor is hereby authorized to sign the attached agreement and any related documents needed to facilitate the solar construction project.

AC Power LLC, Calibran NY
JLL

Three Town Board Member signatures required for adding Late Agenda items handed in after 12PM on the last work day of the month.

ANY EXCEPTIONS MAY BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

When Recorded Return To:

NON-DISTURBANCE AGREEMENT

This Non-Disturbance Agreement (this “*Agreement*”) is made, dated and effective as of this ____ day of _____, 2023, by and between **the Town of Niagara**, a [entity type], with an address at [_____] (together with its predecessors, transferees, successors and assigns, “*Town*”) and **AC Power 15, LLC**, a Delaware limited liability company with an address of 915 Broadway, Suite 801, New York, New York 10010 (together with its predecessors, transferees, successors and assigns, “*Developer*”). Town and Developer are sometimes collectively referred to herein as the “*Parties*” and individually as a “*Party*.”

RECITALS

A. Town is the holder of a certain recorded easement in Niagara County, New York (the “*Easement*”) attached hereto as **Exhibit A**, pursuant to which Town was granted the right, privilege, and perpetual easement to lay, construct, maintain, operate, use, reconstruct, repair, and renew a highway upon certain real property, as described therein; the area affected by the Easement (the “*Easement Area*”) is depicted in the map attached hereto as **Exhibit B**.

B. Developer is in the process of developing solar-powered energy generation facilities to be located on certain portions of the real property located at 5600 Niagara Falls Boulevard, Niagara Falls, Niagara Town, New York (collectively, the “*Project*”).

C. Parts of the Project and the Easement Area overlap on the same parcel of land.

D. Town is agreeable to Developer constructing the Project on the Easement Area, subject to the terms and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The foregoing recitals are true and correct and are incorporated by reference as if fully set forth herein.

2. Town agrees that Developer has the right to use, and may use, the Easement Area for the construction, installation, inspection, operation, use, maintenance, repair, upgrading, alteration, adding to, removal and replacement of the Project (the “*Intended Use*”) so long as this Agreement remains in effect.

3. Town hereby consents to the Intended Use within the Easement Area, so long as Developer and/or the Project, as the case may be, remain compliant with all applicable legal, regulatory, and permitting requirements associated with the Project.

4. Subject to Section 6 and Section 9 below, Developer shall be solely responsible for the construction, installation, inspection, operation, use, maintenance, repair, alteration, removal and replacement of the Project within the Easement Area and shall do so in accordance with all applicable laws, rules, and regulations.

5. While this Agreement remains in effect, Town agrees not to interfere with or otherwise frustrate the Intended Use. The Parties will reasonably cooperate with each other with respect to the Project being placed, operated, and maintained in the Easement Area. If the Town requests that Developer alter or relocate Developer's installed improvements in the Easement Area in order to accommodate the installation of Town improvements, Town and Developer agree to use reasonable efforts to coordinate such alteration or relocation provided that such alteration or relocation is done in a manner to cause minimal disruption to the Project and Developer's use of the Easement Area.

6. Town agrees to notify Developer immediately in the event any damages are caused by Town's contractor, agent, or representative. In the event that the Town uses a contractor to perform any work in the Easement Area, the Town will require their contractor to name Developer as an additional insured on its commercial general liability insurance and provide proof of such insurance to Developer.

7. Developer represents and warrants to Town that the execution and delivery of this Agreement by the person signing below for Developer is duly authorized.

8. Town represents and warrants to Developer that the execution and delivery of this Agreement by the person(s) signing below for Town is duly authorized.

9. Developer shall indemnify, defend, hold harmless and release the Town and any of its parent companies, subsidiaries and affiliates and their respective directors, officers, employees and agents from and against any and all claims, suits, liens, actions, damages, penalties, assessments, fines, losses, liabilities, costs, expenses, fees, including reasonable attorneys' fees through appeal (collectively, "**Damages**") in connection with the loss of life, bodily injury or damage to real or personal property, including the Project, incidental to, arising from or out of the Developer's exercise of the rights granted to it under this Agreement, and incidental to, arising from or out of any occurrence due to the acts or omissions of such Indemnifying Party on or about the Project or Easement Area, except to the extent any Damages are caused by the gross negligence or intentional misconduct of the Town, its employees, agents and contractors. Developers obligations under this Section 9 will survive the expiration or termination of this Agreement.

10. During the term of this Agreement, Developer shall maintain, or cause its contractors to maintain (i) property insurance for the Project; and (ii) commercial general liability insurance (in an amount not less than Three Million Dollars (\$3,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the aggregate). Each of the policies required hereunder shall name the Town as additional insureds. Developer will provide to the Town a copy of the certificate of insurance or a

copy of the insurance policy and relevant additional insured endorsement evidencing coverage required hereby prior to accessing the Easement Area and thereafter, and from time to time upon Town's request and one (1) time annually, during the term of the Agreement. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as the limits in combination equal or exceed those required herein. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies so long as the limits in combination equal or exceed those required herein.

11. Notices and communications given under this Agreement shall be in writing and delivered by one of the following methods: i) certified or registered U.S. Mail, postage paid, return-receipt requested; or ii) United States Express Mail or other established express delivery service (such as Federal Express or UPS), postage or delivery charge prepaid; iii) by hand delivery, addressed to the recipient Party at the address set forth below or at such other address as the Party may designate from time to time by written notice to the other Party given as provided for under this Section; or (iv) email transmission at the email address set forth below or at such other email address as the Party may designate from time to time by written notice to the other Party given as provided for under this Section. Such notices shall be effective upon receipt, or, if delivery is refused by the addressee Party, upon refusal of such delivery.

Notice to Town:

With a copy to:

Notice to Developer:

Jake Hirsch
General Counsel
915 Broadway, Suite 801
New York, NY 10010
jake@acpowerllc.com

Either Party may, by notice given at any time or from time to time, require subsequent notices to be given to another individual person, whether a Party or an officer or representative, or to a different

address, or both. Notices given before actual receipt or notice of change shall not be invalidated by the change.

12. This Agreement shall inure to the benefit and be binding on the respective heirs, successors, assigns, agents, contractors, and personal representatives of the Parties to this Agreement, and shall run with and against the Easement Area. Developer is permitted to assign this Agreement upon written notice to the Town. No Party transferring or assigning its interests under this Agreement shall be relieved of liability until the transferee or assignee expressly agrees to assume and be bound by the terms and conditions of this Agreement, and no Party transferring or assigning its interests under this Agreement shall be relieved of any liability that arose before the date of such assignment or transfer and which remains unsatisfied after the date of transfer or assignment, or for liability relating to any interest that such Party continues to own or hold in the Easement Area. This Agreement may be recorded by either Party in the Recorder's Office of the Town in which the Easement Area is located. This Agreement and the attached Exhibits shall constitute the entire agreement between the Parties and supersede all other prior writings and understandings. This Agreement may be executed simultaneously or in counterparts, each of which together shall constitute one and the same Agreement. This Agreement shall not be amended or modified in any way except by an instrument signed by the Parties. The Parties hereto shall at all times hereafter execute any documents and do any further acts which may be reasonably necessary or desirable to carry out the purposes of this Agreement and to give full force and effect to each and all of the provisions hereof. This Agreement shall be governed by and interpreted in accordance with the then existing laws of the State of New York and the Town where the Property is located shall be considered the proper forum or jurisdiction for any disputes arising in connection with this Agreement.

13. This Agreement shall terminate upon the earlier of (i) thirty-five (35) years from the date first written above, or (ii) final decommissioning of the Project.

[Signature pages to follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

Town of Niagara,

a _____

By: _____

Name: _____

Title: _____

STATE OF _____)

: ss.

COUNTY OF _____)

On the _____ day of _____, in the year 2023, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____. (Insert the City or other political subdivision and the state and county or other place the acknowledgment was taken.)

Notary Public

a Delaware Limited Liability Company

Title: _____

COUNTY OF _____) : ss.

On the _____ day of _____, in the year 2023, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____. (Insert the City or other political subdivision and the state and county or other place the acknowledgment was taken.)

Notary Public



142

AGENDA ITEM

ALL AGENDA ITEMS MUST BE SUBMITTED BY THE
LAST DAY OF THE MONTH BEFORE 12 P.M.

AGENDA ITEMS WILL BE COPIED TO THE TOWN BOARD
FOR THEIR SIGNATURES (below) FOR ADDITION TO THE AGENDA.

DATE: 10/28/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector *CHA*

DEPARTMENT:

Department of Inspections

- Resolution to declare a negative declaration on the associated SEQRA for the minor resub division request of DeAnna Hyche of The Broadway Group LLC, 9400 Lockport Rd. / Tax Map # 132.14-1-4

RECEIVED

OCT 27 2023

TOWN OF NIAGARA
TOWN CLERK

Three Town Board Member signatures required for adding Late Agenda items

_____	_____
_____	_____
_____	_____

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



2/2

AGENDA ITEM

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DATE: 10/28/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector *CH*

DEPARTMENT:

Department of Inspections

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OCT 27 2023

**TOWN OF NIAGARA
TOWN CLERK**

- Resolution to approve the minor resub division request of DeAnna Hyche of The Broadway Group LLC.
9400 Lockport Rd. / Tax Map # 132.14-1-4

Three Town Board Member signatures required for adding Late Agenda items

_____	_____
_____	_____
_____	_____

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



First

AGENDA ITEM

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OCT 27 2023
TOWN OF NIAGARA
TOWN CLERK

DATE: 10/28/2023

TO: TOWN OF NIAGARA TOWN BOARD
FROM: Charles E. Haseley, Building Inspector
DEPARTMENT: Department of Inspections

- Discussion of the alternative final site plan / resub division, to include the incorporation of a portion of the Town owned paper street known as Pennsylvania Avenue request of Robert Burns, of 4501 JDC LLC. 4501 Hyde Park Blvd. / Tax Map # 130.15-5-1.1 & 1.2

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



141

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DATE: 10/28/2023

TO: TOWN OF NIAGARA TOWN BOARD
FROM: Charles E. Haseley, Building Inspector
DEPARTMENT: Department of Inspections

RECEIVED
OCT 27 2023
TOWN OF NIAGARA
TOWN CLERK

- Resolution to declare a negative declaration on the associated SEQRA for the final site plan (plan A) / resub division request of Robert Burns, of 4501 JDC LLC.
4501 Hyde Park Blvd. / Tax Map # 130.15-5-1.1 & 1.2

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



292

AGENDA ITEM

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FOR THEIR SIGNATURES (below) FOR ADDITION TO THE AGENDA.

DATE: 10/28/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

RECEIVED
OCT 27 2023
TOWN OF NIAGARA
TOWN CLERK

- Resolution to approve the final site plan (plan A) / resub division request of Robert Burns, of 4501 JDC LLC.
4501 Hyde Park Blvd. / Tax Map # 130.15-5-1.1 & 1.2

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____

Administrative Official

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SEP 19 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE

CARMINAWOOD DESIGN

September 18, 2023

Charles Haseley
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14305

RECEIVED

SEP 19 2023

Re: Proposed Storage Facility
4501 Hyde Park Boulevard
Town of Niagara, NY

TOWN OF NIAGARA
BLDG. INSP. OFFICE

Mr. Haseley:

On behalf of our client, Robert Burns, we are submitting this Letter of Intent and enclosed document for consideration by the Town for approval:

- (1) Town of Niagara Request for Board Action
- (15) Short EAF
- (10) C-100 Site Plan 11"x17"
- (10) C-100 Site Plan - Alternate Plan 11"x17"
- (5) C-100 Site Plan full size
- (5) C-100 Site Plan - Alternate Plan full size

The required fees will be dropped off under separate cover by the applicant.

This project is the proposed use of the existing site as an indoor/outdoor storage facility. The existing building will remain and be used for the indoor storage portion of the project. The existing millings area behind the building will be used for the outdoor storage portion of the project. A new 6' chain link fence will be installed along the south and east property lines to enclose the outdoor storage area. A new gate will be installed to control entrance into the outdoor storage portion of the site.

The existing asphalt parking area in the front of the site will remain and be used for any necessary parking requirements for employees or patrons.

The project sponsor is pursuing the acquisition of the existing Pennsylvania Avenue paper street to the south and would request the Town to abandon this paper street for this purpose. The C-100 Site Plan - Alternate Plan represents the acquisition of the paper street and the site layout based on this acquisition.

Zoning

The site is currently zoned H-I (Heavy Industrial) and will remain as such.

The proposed use is allowed by the current zoning of the site.

Site Access

The existing (2) two driveways onto the site from Hyde Park Boulevard will remain and be reused.

Utilities

All existing utilities to the site will remain and be reused.

Wetlands/Flood Plain

Wetlands are not present on the project site.

The project is not located in the 100-year floodplain.

Should you have any questions or require additional information, please do not hesitate to contact me at 842-3165, ext 103. Thank you.

Sincerely,
Carmina Wood Design



Christopher Wood, PE

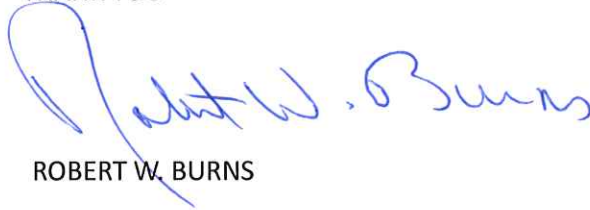
Cc: Robert Burns

RECEIVED
SEP 19 2023
TOWN OF NIAGARA
BLDG. INSP. OFFICE

9/5/2023

TO WHOM IT MAY CONCERN ,I'M WRITING THIS LETTER OF INTENT TO THE BOARDS OF THE TOWN OF NIAGARA TO PARK VEHICLES ON THE PROPOSED PROPERTY , WITH A GATED FENCE AROUND THE PROPERTY FOR SECURITY. WE WILL BE ADDING EXTRA LIGTHING ON THE SAME BACK BUILDING FOR EXTRA SECURITY MEASURES , AN WE HAVE ALREADY INSTALLED CAMERAS ALONG WITH PLATE READERS (THAT THE TOWN POLICE HAVE ALREADY ASKED US FOR FOOTAGE BECAUSE OF A JUNK YARD FIRE WHICH I GREATLY SENT TO THEM TO GET THE PERB.) I THANK YOU ALL FOR YOUR CONSIDERING MY PLANS .

THANK YOU



ROBERT W. BURNS

RECEIVED

SEP 08 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE

9/5/2023

TO WHOM IT MAY CONCERN ,I'M WRITING THIS LETTER OF INTENT TO THE BOARDS OF THE TOWN OF NIAGARA TO PARK VEHICLES ON THE PROPOSED PROPERTY , WITH A GATED FENCE AROUND THE PROPERTY FOR SECURITY. WE WILL BE ADDING EXTRA LIGHTING ON THE SAME BACK BUILDING FOR EXTRA SECURITY MEASURES , AN WE HAVE ALREADY INSTALLED CAMERAS ALONG WITH PLATE READERS (THAT THE TOWN POLICE HAVE ALREADY ASKED US FOR FOOTAGE BECAUSE OF A JUNK YARD FIRE WHICH I GREATLY SENT TO THEM TO GET THE PERB.) I THANK YOU ALL FOR YOUR CONSIDERING MY PLANS .

THANK YOU



ROBERT W. BURNS

RECEIVED

SEP 08 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE



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RECEIVED
OCT 25 2023
TOWN OF NIAGARA
TOWN CLERK

DATE: 9/25/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

- Resolution to approve the minor subdivision request of Joseph C. Smith of David Smith Enterprise, LLC / Tax Map # Tax Map #'s 146.19-2-3 & 46.19-2-4.1 & 2

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



192

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OCT 27 2023

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA ITEM

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LAST DAY OF THE MONTH BEFORE 12 P.M.

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DATE: 9/25/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

CM

- Resolution to declare a negative declaration on the associated SEQRA for the final site plan request of Michael Rotella of Wayside Nursery .7431 Porter Rd./Tax Map # 145.12-3-33

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



2/2

RECEIVED

OCT 27 2023

**TOWN OF NIAGARA
TOWN CLERK**

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DATE: 9/25/2023

TO: TOWN OF NIAGARA TOWN BOARD
FROM: Charles E. Haseley, Building Inspector
DEPARTMENT: Department of Inspections

- Resolution to approve the final site plan request of Michael Rotella of Wayside Nursery .7431 Porter Rd./Tax Map # 145.12-3-33

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

DATE: 9/19/2023

FROM: Town Building Inspector

To: Town of Niagara Town Clerk

RE: The preliminary site plan & associated use variance appeal request of Michael Rotella of wayside nursery to construct leasable industrial complex consisting of (2) buildings with (13) individual business tenant spaces (Est. 200 sq.' accessory office space , and 1300 sq.' work /storage bay) each.
7431 Porter Rd. / Tax Map # 145.12-3-33
Town of Niagara

Correspondence / Drawings are for:

- ☐ Your action
- ☐ Review & comment
- ☐ Information
- ☒ File /Records

CC:

- ☒ Town Planning Board
- ☒ Town of Niagara Zoning Board of Appeals
- ☒ Town Highway Superintendent
- ☒ Town Water and Sewer Superintendent
- ☒ Town Assessor
- ☐ Town Clerk
- ☒ Town Attorney
- ☒ Town Engineer
- ☒ Niagara County Planning
- ☒ Niagara Falls Reserve station
- ☐ NYSDEC region 9 Division of water
- ☒ NYSDOT
- ☒ Petitioner/s

Administrative Official

Wayside

Landscaping & Nursery

Wayside Nursery Inc.

8962 Porter Road
Niagara Falls, New York 14304
(716) 297-3811 phone
(716) 297-6169 facsimile
www.waysidenurseryinc.com

September 18, 2023

Town of Niagara
7105 Lockport Road
Niagara Falls, N.Y. 14305

RE: 7431 Porter Road development

Town Board Members,

Wayside Nursery, Inc. is currently located at 8962 Porter Road. Our company has been a successful business in the Town of Niagara for over 50 years. Our previous development plan was to relocate our business to 7431 Porter Road, however due to staff shortages, we do not feel that relocating would be in our best interest and Wayside Nursery will remain at 8962 Porter Road.

At this time, we are requesting a use variance to modify the plans for 7431 Porter Road. We have submitted a proposal for light industrial tenant bays. These units are intended to have office space and a bay. We feel that these units will offer an opportunity for small business to grow in the Town of Niagara.

Thank you for your consideration.

Sincerely,

Michael Rotella
Vice President
Wayside Nursery Inc.

RECEIVED

SEP 19 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

DATE: 9/18/2023

FROM: Town Building Inspector *ck*

To: Town of Niagara Town Clerk

RE: The Preliminary site plan/ combination of Lots request of James Baptiste, RA, AIA, agent for Norgen Biotek Corp. Scope of work includes a 2780 square foot addition to the existing building .7311 Porter Rd./Tax Map 145.12-3-17 & 18 Town of Niagara

Correspondence / Drawings are for:

- ☐ Your action
- ☐ Review & comment
- ☐ Information
- ☒ File /Records

CC:

- ☒ Town Planning Board
- ☒ Town of Niagara Zoning Board of Appeals
- ☒ Town Highway Superintendent
- ☒ Town Water and Sewer Superintendent
- ☒ Town Assessor
- ☐ Town Clerk
- ☒ Town Attorney
- ☒ Town Engineer
- ☒ Niagara County Planning
- ☒ Niagara Falls Reserve station
- ☐ NYSDEC region 9 Division of water
- ☒ NYSDOT
- ☒ Petitioner/s

or y. n. s. l.



102

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OCT 27 2023

AGENDA ITEM

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LAST DAY OF THE MONTH BEFORE 12 P.M.

**TOWN OF NIAGARA
TOWN CLERK**

AGENDA ITEMS WILL BE COPIED TO THE TOWN BOARD
FOR THEIR SIGNATURES (below) FOR ADDITION TO THE AGENDA.

DATE: 10/29/2023

TO:

TOWN OF NIAGARA TOWN BOARD

FROM:

Charles E. Haseley, Building Inspector

DEPARTMENT:

Department of Inspections

- Resolution to declare a negative declaration of associated SEQRA pertaining to the re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Tax Map # 131.19-1-45.

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

APPROVED _____ DENIED _____ OFF _____ TABLED _____



20/2

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OCT 27 2023

AGENDA ITEM

TOWN OF NIAGARA

TOWN CLERK

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DATE: 10/29/2023

TO:

TOWN OF NIAGARA TOWN BOARD
Charles E. Haseley, Building Inspector *CH*

FROM:

DEPARTMENT:

Department of Inspections

- Resolution to approve the , re-subdivision, rezoning and final site plan request of Kevin Kirk of Uniland LLC. 3401 Military Tax Map # 131.19-1-45.

Three Town Board Member signatures required for adding Late Agenda items

BOARD ACTION:

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TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

Building Inspector
Charles E. Haseley

Date: October 11, 2023

From: Building Inspector

To: TOWN CLERK

Re: FINAL SITE PLAN REQUEST TO INCLUDE REZONING AND MINOR
SUBDIVISION FOR UNILAND AT 3401 MILITARY ROAD
Tax Map # 131.19-1-45

Correspondence/Drawings are for:

- ☐ Information only
- ☐ Review and Comment
- ☐ For your Action
- ☐ Additional Information
- ☐ Town Permanent File



October 10, 2023

Mr. Charles Haseley – Building Inspector
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14305

Re: 3401 Military Road, Niagara Falls, NY 14304
Final Site Plan Review, Rezoning & Subdivision Request for Board Action

Dear Mr. Haseley:

Attached is additional information based on Water and Sewer comments from Brian Beiter, Town of Niagara Water/Sewer Superintendent, dated September 19, 2023.

Included are the following items:

1. 24x36 Updated Civil Drawings from Carmina Wood Design (13 copies):
 - C-400 (dated 09/27/23)
 - C-401 (dated 09/27/23)
 - C-404 (dated 09/27/23)
2. Niagara County Sewer District #1 Industrial Waste Survey Short Form

We look forward to continuing our approval process with the Town Board and Planning Board.

Please contact us with any comments or concerns you may have.

Thank you,

A handwritten signature in black ink, appearing to read "K. B. K.", is written over a horizontal line.

Kevin B. Kirk, RA – Director of Planning & Design
Uniland Development Company

Enclosures

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OCT 11 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE

NIAGARA COUNTY SEWER DISTRICT #1
7346 Liberty Drive
Niagara Falls, NY 14304
(716)693-0001

Industrial Waste Survey Short Form

This form has been sent to your business to determine types and sources of wastewater entering the public sewer systems of the Sewer Districts and/or the Niagara County Sewer District #1. The information provided on this questionnaire will determine if your facility needs an Industrial Wastewater Discharge Permit for the discharge of wastewater into the sanitary sewer. You will be contacted if additional information or data is required. This form must be completed in accordance with the provisions of the Niagara County Sewer District #1 Sewer Use Law and the General Pretreatment Regulations in 40 CFR Part 403. You may obtain a copy of the Sewer Use Ordinance by submitting a written request to the address listed below. If you have any question or concerns while completing the form, please feel free to contact Elizabeth Lesold, Sanitary Chemist, at this office.

1. Company Name Uniland Development
Mailing Address 100 Corporate Parkway - Suite 500
Amherst, NY 14226
Telephone 716-834-5000 Fax
2. Facility Information (if different than above)
Address 3401 Military Road
Niagara Falls, NY 14305
Telephone 716-834-5000 Fax
3. Name, Title, and telephone number of personnel authorized to represent this company in official dealings with Niagara County Sewer District and/or Town
Name/Title Kevin Kirk - Director of Planning & Design Telephone 716-834-5000
Name/Title Dave Reilly - VP of Construction Telephone 716-834-5000
4. Identify type of business conducted or services conducted
Industrial Spec Building - Business or Services conducted TBD based on future tenant use.
5. Describe the company's manufacturing processes (if any)
Industrial Spec Building - Manufacturing process TBD based on future tenant use.
6. Identify all Standard Industrial Classification (SIC) Code(s) for your facility:
N/A

RECEIVED

OCT 11 2023

TOWN OF NIAGARA
SEWER DISTRICT #1 OFFICE

NIAGARA COUNTY SEWER DISTRICT #1
7346 Liberty Drive
Niagara Falls, NY 14304
(716)693-0001

Industrial Waste Survey Short Form

7. Identify all North American Industrial Classification System Code(s) (NAICS Code(s)) for your facility:

N/A, _____, _____, _____, _____

8. List number of employees and shift start times for the facility

	# of Employees	Starting Time
1 st Shift	<u>TBD</u>	<u>TBD</u> AM/PM
2 nd Shift	<u>TBD</u>	<u>TBD</u> AM/PM
3 rd Shift	<u>TBD</u>	<u>TBD</u> AM/PM

9. Average water use (in gallons) per month 34,650 gal/month

10. Check all types of wastewater generated at the facility

Domestic	<input checked="" type="checkbox"/>	Equipment/Facility Washdown	<input type="checkbox"/>
Non-Contact Cooling Water	<input type="checkbox"/>	Air Pollution Control Equipment	<input type="checkbox"/>
Contact Cooling Water	<input type="checkbox"/>	Boiler/Tower Blowdown	<input type="checkbox"/>
Process Water	<input type="checkbox"/>	Stormwater Runoff to Sewer	<input type="checkbox"/>
Other (Explain) _____			

11. This facility discharges to the following (check all that apply)

Sanitary Sewer	<input checked="" type="checkbox"/>	Groundwater	<input type="checkbox"/>
Storm Sewer	<input checked="" type="checkbox"/>	Evaporation	<input type="checkbox"/>
Waste Hauler	<input type="checkbox"/>	Other (Explain) _____	

RECEIVED

OCT 11 2023

TOWN OF NIAGARA
BLDG. INSP. OFFICE

This is to be signed by an authorized official of your firm after completion of this form and review of the information by the signing official.

To the best of my knowledge, the information provided on this form is true, accurate, and complete.

Signature K. B. K. Date 10/10/23

Print Name Kevin B. Kirk, RA Title Dir. of Planning & Design

Return this form within 14 days to: NIAGARA COUNTY SEWER DISTRICT #1
7346 Liberty Drive
Niagara Falls, NY 14304

Failure to return this form is enforceable in accordance with the provisions of the Niagara County Sewer District's Sewer Use Ordinance.