

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. Risan)

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)

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)

**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](http://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

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(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.