

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 16, 2008
6:00 P.M.

REGULAR SESSION CALLED TO ORDER BY ACTING PRESIDENT PASIAK

ROLL CALL

Present: **Acting President Pasiak**
 Aldermen Brick, Schwandt, Donovan

Absent: **President Sommer**
 Mayor Lawrence V. Soos

Also Present: **City Attorney Shawn P. Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 2, 2008

MOVED by Alderman Schwandt **SECONDED** by Alderman Brick
That the minutes of the regular session held September 2, 2008 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION SEPTEMBER 9, 2008

MOVED by Alderman Brick **SECONDED** by Alderman Donovan
That the minutes of the special session held September 9, 2008 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

AUDIENCE PARTICIPATION - None

COMMUNICATIONS FROM CITY OFFICIALS

VII. Accountant

September 11, 2008

Honorable Lawrence V. Soos, Mayor
and Common Council
City Hall
North Tonawanda, New York 14120

Dear Honorable Body:

In accordance with Article V, Division 1, Section 5.002 and 5.003 of the City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated September 16, 2008, and further authorize the Mayor and City Clerk to respectively sign and countersign said Warrant.

Very truly yours,
David R. Jakubaszek
City Accountant

MOVED by Alderman Donovan

SECONDED by Alderman Brick

That the Common Council hereby authorizes for payment the current Abstract of Claims dated September 16, 2008 and further authorizes the Mayor and City Clerk to respectively sign and countersign said Warrant:

01	General Fund	\$431,357.74
02	Water Fund	31,832.37
04	Sewer Fund	76,541.38
06	Capital Project Fund	301,328.45
07	Trust & Agency Fund	1,950.15
08	Community Development	475.00
11	General Fund (Encumbered)	<u>3,714.13</u>
	Final Total	<u>\$847,199.22</u>

Ayes: Brick, Pasiak, Schwandt, Donovan (4)
Nays: None (0)
CARRIED.

MOVED by Alderman Schwandt

SECONDED by Alderman Brick

To bring the following communication to the floor.

Ayes: Brick, Pasiak, Schwandt, Donovan (4)
Nays: None (0)
CARRIED.

IV. Engineer

September 17, 2008

The Honorable Brett Sommer
Common Council President
City of North Tonawanda Common Council
City Hall
216 Payne Ave
North Tonawanda, NY 14120

Re: Re-Zoning of 184 Sweeney Street (the "Property") and Redevelopment of Herschell-Spillman Motor Company Building

Dear Common Council President,

The City Engineering Department is in receipt of the written statement and various attachments required to be submitted to the City Engineer under Section 37-4 of the Code of the City of North Tonawanda, by Remington Lofts on the Canal, LLC, (the "Petitioner") with respect to its re-zoning application to change the zoning of 184 Sweeney Street from an M-1 light manufacturing zoning designation to a C-2 general commercial zoning designation and the Petitioner's application outlining the proposed re-development and rehabilitation of the Property as a mixed use development consisting of first floor commercial and restaurant spaces and second through fourth floor converted 'work/live' residential loft-style apartment units (collectively, with the zoning amendment petition, the "Project").

Based upon my review of the Petitioner's written statement and attachments thereto, I have determined that the Project will not have a significant effect on the environment for the following reasons:

1. **Land.** The Project will not result in an adverse impact to land. The Project involves the renovation and rehabilitation of an existing building and remediation of contaminated soil located on the Property. The Project does not involve expansion of the building's existing footprints.

2. **Water.** No water body of any type will be affected by the Project, and, as a result, the Project will not adversely impact any water body designated as protected pursuant to the New York Environmental Conservation Law nor will the Project affect any non-protected body of water. The Project is consistent with the City's Local Waterfront Revitalization Program.

3. **Air.** The Project will not adversely impact the quality of air because no air emissions will result from the Project.

4. **Plants and Wildlife.** The Project will not adversely impact plants and wildlife because no plants or wildlife are present at the Project site.

5. **Noise and Odor.** The Project will not result in a significance adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result form the Project.

6. **Energy.** The Project will not result in a significant adverse change in use of either the quantity or quality of energy.

7. **Critical Environmental Area.** The Project will not result in the impairment of a Critical Environmental Area ("CEA") as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.

8. **Public Health.** The Project will not create a hazard to human health.

9. **Solid Waste and Wastewater.** The Project will not result in a significant adverse increase in the generation of solid waste or wastewater, and will produce less solid waste and wastewater than existing uses as permitting under the M-1 zoning classification.

10. **Open Space and Recreational Resources.** The Project will not result in a significant adverse impact on existing open spaces and recreational resources. To the contrary, the Project involves improvements to open space on the south side of the building, adjacent to the waterfront.

11. **Aesthetic and Historical Resources.** The Project will enhance the aesthetic quality of the existing community and neighborhood character by transforming this largely vacant, contaminated industrial and dilapidated site into a vibrant work/live mixed-used commercial and residential facility, while preserving the historic importance of the structure.

12. **Traffic and Parking.** The Project provides over 110 parking spaces on-site and will not have a potential significant adverse impact to traffic and transportation and existing parking conditions.

13. **Attracting a large group of people to the property.** The Project does not present a potential adverse impact by attracting a large number of people to the Property. To the contrary, the Project involves a potential significant positive impact to the community in the form of socioeconomic and aesthetic improvements by transforming what is currently a historic, yet largely vacant and dilapidated property, into a vibrant work/live community.

This statement is the written statement provided by the City Engineer in compliance with Section 37-6 of the Code of the City of North Tonawanda.

Very Truly Yours,
Dale W. Marshall, PE

MOVED by Alderman Schwandt SECONDED by Alderman Donovan
To receive and file the aforementioned communication.
CARRIED.

WHEREAS, a public hearing on the Petition was held by the Common Council at the City of North Tonawanda City Hall on the 16th day of September, 2008 at 5:30 p.m.

NOW, THEREFORE, upon consideration by the Common Council of the Petition and the other materials submitted by Petitioner, including the short EAF, the CAF, and the City Engineer's written determination that the project will not have a significant effect on the environment, and the Common Council having given the submitted documentation materials due consideration; it is hereby

RESOLVED, that the Common Council declares itself lead agency for purposes of conducting an uncoordinated review of the Petition pursuant to SEQRA and classifies the Petition and the accompanying redevelopment proposal as an Unlisted Action pursuant to 6 N.Y.C.R.R. § 617.6; and it is further

RESOLVED, that the Petitioner intends to renovate and rehabilitate the existing deteriorated and contaminated Property consistent with the historic preservation requirements of the New York State Office of Parks, Recreation and Historic Preservation and the U.S. Department of the Interior's National Park Service; and it is further

RESOLVED, that the Common Council finds that the proposed re-zoning and redevelopment project lies within the City's Local Waterfront Revitalization Program waterfront area boundary and is consistent with the policies and goals of the City's Local Waterfront Revitalization Program, and it is further

RESOLVED, that the Common Council has taken a hard look at the Petition and the Project and has considered the Petition and the accompanying development proposal in conjunction with the requisite criteria set forth at 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

a. Land. The Project will not result in an adverse impact to land. The Project involves the renovation and rehabilitation of an existing building and remediation of contaminated soil located on the Property. The Project does not involve expansion of the building's existing footprints.

b. Water. No water body of any type will be affected by the Project, and, as a result, the Project will not adversely impact any water body designated as protected pursuant to the New York Environmental Conservation Law nor will the Project affect any non-protected body of water. The Project is consistent with the City's Local Waterfront Revitalization Program.

c. Air. The Project will not adversely impact the quality of air because no air emissions will result from the Project.

d. Plants and Wildlife. The Project will not adversely impact plants and wildlife because no plants or wildlife are present at the Project site.

e. Noise and Odor. The Project will not result in a significance adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result form the Project.

f. Energy. The Project will not result in a significant adverse change in use of either the quantity or quality of energy.

g. Critical Environmental Area. The Project will not result in the impairment of a Critical Environmental Area ("CEA") as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.

h. Public Health. The Project will not create a hazard to human health.

i. Solid Waste and Wastewater. The Project will not result in a significant adverse increase in the generation of solid waste or wastewater, and will produce less solid waste and wastewater than existing uses as permitting under the M-1 zoning classification.

j. **Open Space and Recreational Resources.** The Project will not result in a significant adverse impact on existing open spaces and recreational resources. To the contrary, the Project involves improvements to open space on the south side of the building, adjacent to the waterfront.

k. **Aesthetic and Historical Resources.** The Project will enhance the aesthetic quality of the existing community and neighborhood character by transforming this largely vacant, contaminated industrial and dilapidated site into a vibrant work/live mixed-used commercial and residential facility, while preserving the historic importance of the structure.

l. **Traffic and Parking.** The Project provides over 110 parking spaces on-site and will not have a potential significant adverse impact to traffic and transportation and existing parking conditions.

m. **Attracting a large group of people to the property.** The Project does not present a potential adverse impact by attracting a large number of people to the Property. To the contrary, the Project involves a potential significant positive impact to the community in the form of socioeconomic and aesthetic improvements by transforming what is currently a historic, yet largely vacant and dilapidated property, into a vibrant work/live community. As such, the Project does not pose a potential significant adverse environmental impact requiring further review pursuant to SEQRA, but to the contrary will have an overwhelming positive impact to the aesthetic and community character of the neighborhood; and it is further

RESOLVED, that pursuant to SEQRA, the Common Council issues a Negative Declaration for the Petition, thus concluding its SEQRA review; and it is further

RESOLVED, that pursuant to Section 103-19 of the Code of the City of North Tonawanda, the Official Zoning Map for the City of North Tonawanda is hereby amended so that the Property is re-zoned from a M-1 light manufacturing zoning designation to a C-2 general commercial zoning designation.

Ayes: Brick, Pasiak, Schwandt, Donovan (4)

Nays: None (0)

CARRIED.

XVI.2 City Clerk

September 12, 2008

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Honorable Body:

At the regular session of the North Tonawanda Planning Commission dated September 8, 2008 the following resolution was adopted:

MOVED by Commissioner Conti **SECONDED** by Commissioner Mineo

To approve the subdivision of 104 Porter Ave as submitted contingent upon attaching the subdivided parcel to 1208 Oliver Street and to recommend to the North Tonawanda Common Council the rezoning of said parcel from the current R-2 zoning to a C-1 zoning classification.

Ayes: Commissioner Conti, Evans, Kuebler, Mineo, Przewozny (5)

Nays: None (0)

CARRIED.

It would now be appropriate to direct the City Clerk to schedule a public hearing regarding this rezoning.

Very truly yours,
Thomas M. Jaccarino
City Clerk

COMMUNICATIONS FROM OTHERS

A.
Sweeney Hose - Re: Statement of Volunteer Fireman:
Daniel Christopher Fritz

MOVED by Alderman Pasiak SECONDED by Alderman Donovan
To add Daniel Christopher Fritz to the City Fire Rolls.
CARRIED.

B.
Dom Polski

August 31, 2008

North Tonawanda Common Council
City Hall
216 Payne Avenue
North Tonawanda, NY 14120

Dom Polski Club located at 576 Oliver Street, North Tonawanda, NY would like to request a permit for having a sign on the sidewalk in front of our Club. This sign will be used for advertising purposes for the club.

Attached is a Certificate of Liability Insurance showing the City of North Tonawanda as an additional insured on the policy. The amount of the insurance is shown on the certificate and meets the requirements for a sign permit.

We would appreciate your consideration of this matter.

If you have any questions, or if anything else is needed, please contact me at 716-912-6623 or 716-692-8327.

Thank you,
Roberta Pfeil
President, Dom Polski Club

MOVED by Alderman Schwandt SECONDED by Alderman Brick
That the Common Council hereby approves the Sidewalk Sign in front of Dom Polski, 576 Oliver Street.
CARRIED.

AUDIENCE PARTICIPATION

Gordon Fritz, 1727 Eddy Drive – Complained about potholes in Martinsville.

ADJOURNMENT

MOVED by Alderman Donovan SECONDED by Alderman Brick
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 6:16 P.M.

Respectfully submitted,

Thomas M. Jaccarino
City Clerk