

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

MINUTES

**Tuesday, December 17th 2024
6:30 PM**

PUBLIC HEARING

- 1. Pursuant to Section 121-6 of the Town of Niagara Town Code to provide an opportunity for the property owner Maximum Income Partners, Inc. an opportunity to show cause why the buildings, structures and mobile homes located at 7400 Porter Road reported to be in a dangerous condition should not be repaired, vacated or demolished.
Opened 6:31pm
Closed 6:31pm**
- 2. Resolution to call for changes to be made to the Town Code sections Chapter 135 and Chapter 200 and to adopt Local Law 2024-5 regarding water and sewer rates and fees.
Opened 6:31pm
Closed 6:32pm**
- 3. Resolution for the Property assessment list restore NY Round 9 application, that the Town of Niagara will be applying for grant funding from RESTORE NY round 9 program administered by EMPIRE STATE DEVELOPMENT CORP. This project includes the demolition and reconstruction of structures located at 3505 Hyde Park, which is a vacant heavy industrial parcel that has two vacant buildings on site. The project proposes the demolition and removal of one vacant dilapidated structure (66,305+/-sq. ft.) and the resurface of the other existing building (66,105+/- sq. ft.). The purpose of this hearing is to obtain citizens' views and comments relative to the submission of the application to Empire State Development for financial assistance under the Restore NY Communities Initiative.
Opened 6:32pm
Closed 6:34pm**

OPEN MEETING (Pledge, Prayer, Roll Call) @6:30pm

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

Supervisor Sylvia Virtuoso called the meeting to order with the Pledge of Allegiance.

Attached is a Memorial Page of all the deceased Town residents who passed away recently.

Roll Call:

Present: Supervisor Sylvia Virtuoso, Deputy Supervisor Marc Carpenter, Councilman Mike Lee, Councilman Johnny Parks Councilman Charles Teixeira

Absent:

Excused:

Also, present Melissa Cerrillo, 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)

Mike Risman-140 Pearl St. #100 Buffalo NY 14202, Town Attorney. Mike spoke about the Mobile Home Park located at 7400 Porter Road and handed out 4 packets. The packets consisted of photos of the property, and the letters that have been mailed to Maximum Income Partners, Inc., the owner of 7400 Porter Road. Mike called Charles Haseley up to discuss the findings and information that was stated in the letters. There are 5 structures that are in disrepair/unsafe condition. The structures are dangerous, a public nuisance and health hazard according to Town Code. The owner, Maximum Income Partners, Inc. was not present at the meeting.

APPROVAL OF MINUTES

1. Town Board Meeting of November 19th, 2024

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$22,047.53

General Fund vouchers [A] \$85,696.61

Sewer Fund Pre-Pay vouchers [G] \$1,955.52

Sewer Fund vouchers [G] \$2,680.16

Water Fund Pre-Pay vouchers [F] \$894.34

Water Fund vouchers [F] \$7,853.94

Highway Fund Pre-Pay vouchers [DA] \$4,718.95

Highway Fund vouchers [DA] \$23,830.17

Fire Protection Pre-Pay vouchers [SF] \$0

Fire Protection vouchers [SF] \$138.66

Street Lighting Pre-Pay vouchers [SL] \$13,551.03

Street Lighting vouchers [SL] \$0

Trust & Agency Pre-Pay vouchers [TA] \$33.30

Trust & Agency vouchers [TA] \$2,490.25

Capital Projects Pre-Pay [H] \$0
Capital Projects vouchers [H] \$8,613.25

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

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

AGENDA

1. Resolution call for changes to be made to the Town Code sections Chapter 135 and Chapter 200 and to adopt Local Law 2024-5 regarding water and sewer rates and fees. (Virtuoso)

Motion to approve by Councilman Teixeira second by Councilman Parks

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

2. Resolution to approve the support for the Property assessment list restore NY Round 9 application, that the Town of Niagara will be applying for grant funding from RESTORE NY round 9 program administered by EMPIRE STATE DEVELOPMENT CORP. This project includes the demolition and reconstruction of structures located at 3505 Hyde Park, which is a vacant heavy industrial parcel that has two vacant buildings on site. The project proposes the demolition and removal of one vacant dilapidated structure (66,305+/-sq. ft.) and the resurface of the other existing building (66,105+/- sq. ft.). The purpose of this hearing is to obtain citizens' views and comments relative to the submission of the application to Empire State Development for financial assistance under the Restore NY Communities Initiative.
(Virtuoso)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

3. Resolution for Town Board approval to allow Principal Account Clerk to make any and all necessary Budget Transfers and Amendments in order to close the 2024 Budget. (Siegmann)

Motion to approve by Councilman Parks second by Councilman Teixeira

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

4. Resolution authorizing the Town Supervisor to submit the application to the Niagara Power Coalition and the Host Community Standing Committee for funding of a Mural located at Military and Packard Road on the Extra Space Storage Building in the estimated amount of \$108,000.00. The Greenway Commission has voted this proposal to be consistent with the Niagara River Greenway Plan. (Virtuoso)

Motion to approve by Councilman Carpenter second by Councilman Lee

Ayes – Virtuoso, Carpenter, Lee, Parks

Noes – Teixeira

Abstain – none

Motion carried.

5. Resolution to schedule a public hearing for January 14th, 2025 at 6:30pm in Town of Niagara Town Hall to consider proposed Local Law #2025-1 revising the penalties for violations of the Town of Niagara Zoning Code contained in Chapter 245, Section 245-8 of the Town Code. (Risman)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 6 Resolution to approve the Annual Special-Use Permit Renewal Request of:
 - Crown Castle 10420 Lockport Road Tax Map #132.15-1-4/CT6
 - Crown Castle 5000 Mayle Court Tax Map #131.18-2-5/CT2(Haseley)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

- 7 Resolution to declare a negative declaration on the associated SEQR for the final site plan request of Wayside Nursery 7431 Porter Rd. / Tax Map #145.12-3-33.1. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Parks.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

8. Resolution to approve the final site plan request of Wayside Nursery 7431 Porter Rd. / Tax Map #145.12-3-33.1. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

9. Discussion honoring Officer Vanik Aloian and Officer Scott Milleville for their actions on October 1st, 2024, at Applebee's. Officer Aloian and Officer Milleville were recently honored for their heroic actions by the Regional Traffic Alliance in Buffalo for taking a suspect into custody without further injury to the victim or the public after the victim was stabbed at Applebee's. (Guiliani)

10. Resolution classifying the action as unlisted and adopting a SEQRA Determination of Non-Significance (Negative Declaration) pursuant to New York State Environmental Conservation Law, Article 8, for the proposed Minor Subdivision by RAJ Rentals Corp. and Rajendra Sharma for Tax Parcel ID #131.19-2-33 and 131.19-2-34, located on the North Side of Joanne Circle North between Woodland Avenue and Sunnysdale Drive, creating two 100-foot lots and an exception parcel for the construction of two single-family homes. (Auerbach)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

11. Resolution granting Minor Subdivision approval to RAJ Rentals Corp. and Rajendra Sharma for Tax Parcel ID #131.19-2-33 and 131.19-2-34, located on the North Side of Joanne Circle North between Woodland Avenue and Sunnysdale Drive, creating two 100-foot lots and exception parcel for the construction of two single-family homes. (Auerbach)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

12. Resolution accepting the resignation of Michael Benedict, Esq, due to a conflict of conflict of interest and appointing Nicholas J. Narchus, Esq. as Town Prosecutor.(Virtuoso)

Motion to approve by Councilman Teixeira second by Councilman Carpenter.

Ayes – Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

TABLED

COMMENTS Councilman Lee wished everyone a Merry Christmas, and congratulated Officer Aloian for a job well done. Councilman Carpenter also wished everyone a Merry Christmas, congratulated Officer Aloian on his recent honor and gave accolades to Supervisor Virtuoso on an excellent job her first year in office and is looking forward to next year. Councilman Parks thanked everyone for a great first year. He said he has learned a lot and is looking forward to next year. He congratulated Officer Aloian on the successful arrest, he mentioned the live nativity scene and hopes that everyone gets a chance to stop out and visit it and closed with wishing everyone a happy and safe holiday. Councilman Teixeira spoke about how greatfull for not only our full time officers, but for our part time officers as well. We have quite the caliber of officers and is very proud of each and every one. He also wished for everyone to have a healthy and Merry Christmas. Supervisor Virtuoso thanked the board members, it's been an exciting year and is proud to work alongside of them. She said we have the best of the best in our police department and is very proud of Officer Aloian's award. She wished everyone a Merry Christmas and a wonderful New Year.

MOTION FOR EXECUTIVE SESSION

Went in to executive session at 6:55pm and existed at 7:40pm.

ADJOURNMENTS

Motion to adjourn by Councilman Carpenter, second by Councilman Teixeira. All in favor.
Meeting Adjourned at 7:41pm.

Respectfully Submitted,

Melissa Cerrillo

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com



In Memoriam

Darlene Lindsey

David E. Shire

Marcia E. DeRubeis

Patricia Kathleen Augustyniak

Peter John DiFranco

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

7/24/2024

Andy Leone
Maximum Income Partners Inc.
2250 West ridge Rd. 30
Rochester New York 14626

Re: Declaration of a health hazard
Manufactured home Park (MFHP)
7400 Porter Rd. Tax Map # 145.12-1-19
Town of Niagara

Dear Andy Leone,

Per Niagara County, Maximum Income Partners is the owner of record of 7400 Porter Rd. (MFHP) referenced above and as further referenced here within.

This letter is to serve you notice 7400 Porter Rd. (MFHP) is declared a health hazard as defined by The Town of Niagara Code (TNC). This determination is based on the fact that numerous abandoned condemned/ unsafe manufactured homes (Notice, dated 7/25/2024), exist within the park.

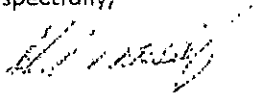
These health hazards are a source of potential harm to children, and others of whom may find them as an unattractive nuisance, an obvious source of potential danger, in addition to being a blight on the Town's landscape, destroying the aesthetics qualities of the Town of Niagara. Furthermore, not only depreciating the values of the (MFHP) and individual home owners homes found thereon, but also the adjacent neighboring lands and the Town in general.

You are hereby ordered to eliminate these health hazards as described here within from 7400 Porter Rd. (MFHP)

Failure by you as owner to take the appropriate actions, or neglect or refusal to comply with this order within 30 days from date of this notice, will result in the Town of Niagara taking any and all actions within the law to gain compliance to include but not limited to the Town causing the removal of said hazards as afforded by Town of Niagara Code Chapter 178 Liter Section 178-16 Health Hazards with the expenses accrued billed to the owner, with unpaid accounts forwarded to the Town Tax Assessor to be placed as a lien against the next payable tax bill, as described in section 178-17.

As always, should you and or any of your agents have any questions in this mater please do not hesitate to contact the undersigned.

Respectfully,



Charles E. Haseley
Building Inspector

CC: Town of Niagara Supervisor – Sylvia Virtuoso
Town of Niagara Attorney – Mike Risman
Town of Niagara assessor – Jim Bird
Town of Niagara Town Clerk – Melissa Cerrillo

Encl. - Ref. (TNC)

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

7/24/2024

Andy Leone
Maximum Income Partners Inc.
2250 West ridge Rd. 30
Rochester New York 14626

Re: Condemnation notice / order to vacate / order to abate
Manufactured home Park (MFHP)
7400 Porter Rd. Tax Map # 145.12-1-19
Town of Niagara

Dear Andy Leone,

Per Niagara County, Maximum Income Partners is the owner of record of 7400 Porter Rd. (MFHP) referenced above and as further referenced here within.

This letter is to serve you notice the Town of Niagara Department of Inspections has determined upon inspection (dated 7/25/2024) that there are numerous abandoned, unlawful and unsafe manufactured homes located within 7400 Porter Rd. (MFHP).

The following manufactured homes have been found to be dangerous having building defects, and in such a state of disrepair that the damage caused thereto has created conditions that constitute a clear and imminent hazards , being a threat to human life, health ,property , safety of the public and or its occupants.

• The Manufactured home known as # 3 and located on lot number # 3 has been found to have the following building defects and unsafe conditions:

- 1.) The Dwelling has remained vacant and unattended continuously for over a period of five years, **Dangerous** , as defined by Town of Niagara Code ,Chapter 121 Buildings, Unsafe Section 121-1 Definitions , subsection 121 -1 K.
- 2.) The Dwelling being located on an unlawful, unlicensed Manufactured home park is in violation of the Town of Niagara Town Code. Chapter 245.Zoning Article III Classes of District Section 245-15 compliance with code Requirements, Subsection 245-15A. **Dangerous** , as defined by Town of Niagara Code ,Chapter 121 Buildings, Unsafe Section 121-1 Definitions , subsection 121 -1 J.

- 3.) The dwellings required egress (Exterior stairs and landing) are deteriorated and in partial collapse to the point they no longer provide safe passage as originally designed. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 C, D, G, H, I, J.
 - 4.) The dwellings electrical service has been divorced and contrary to local codes do not provide required utilities to the building systems dependent thereon. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D, E, F, G, I, J.
 - 5.) The Dwellings windows have been boarded for longer time than allowed by the applicable Town code, and the lack of glazing no longer provides the required light and ventilation as original required and provided for. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D, E, F, G, I, J, K.
 - 6.) The dwelling has open penetrations at doors and windows, as well as exterior roof and side cladding of which no longer provide protection against unwanted pests or water infiltration. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 K.
 - 7.) The stick built portion of the dwelling is in such a state of disrepair, its dilapidated condition has resulted in the partial collapse of structural members, roof and wall assemblies creating unsafe conditions to the general public and to its occupants. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 A, B, C, D, E, F, G, H, I, J.
- The Manufactured home known as #1 and located on lot number #1 has been found to have the following building defects and unsafe conditions:
- 1.) The Dwelling has remained vacant and unattended continuously for over a period of five years, **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 K.
 - 2.) The Dwelling being located on an unlawful, unlicensed Manufactured home park is in violation of the Town of Niagara Town Code, Chapter 245, Zoning Article III Classes of District Section 245-15 compliance with code Requirements, Subsection 245-15A. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 J.

- 3.) The dwellings required egress (Exterior stairs and landing) are deteriorated and in partial collapse to the point they no longer provide safe passage as originally designed. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 C., D., G., H., I, J.
 - 4.) The dwellings electrical service has been divorced and contrary to local codes do not provide required utilities to the building systems dependent thereon. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I. J.
 - 5.) The Dwellings windows have been boarded for longer time than allowed by the applicable Town code, and the lack of glazing no longer provides the required light and ventilation as original required and provided for. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I., J. K.
 - 6.) The dwelling has open penetrations at doors and windows, as well as exterior roof and side cladding of which no longer provide protection against unwanted pests or water infiltration. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions
- The Manufactured home known as # 2 and located on lot number #2 has been found to have the following building defects and unsafe conditions:
- 1.) The Dwelling has remained vacant and unattended continuously for over a period of five years, **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 K.
 - 2.) The Dwelling being located on an unlawful, unlicensed Manufactured home park is in violation of the Town of Niagara Town Code, Chapter 245 Zoning Article III Classes of District Section 245-15 compliance with code Requirements, Subsection 245-15A. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 J.
 - 3.) The dwellings required egress (Exterior stairs and landing) are deteriorated and in partial collapse to the point they no longer provide safe passage as originally designed. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 C., D., G., H., I, J.

- 4.) The dwellings electrical service has been divorced and contrary to local codes do not provide required utilities to the building systems dependent thereon. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I. J.
- 5.) The Dwellings windows have been boarded for longer time than allowed by the applicable Town code, and the lack of glazing no longer provides the required light and ventilation as original required and provided for. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I., J. K.
- 6.) The dwelling has open penetrations at doors and windows, as well as exterior roof and side cladding of which no longer provide protection against unwanted pests or water infiltration. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions

• The Manufactured home known as #4 and located on lot number #4 has been found to have the following building defects and unsafe conditions:

- 1.) The Dwelling has remained vacant and unattended continuously for over a period of five years, **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 K.
- 2.) The Dwelling being located on an unlawful, unlicensed Manufactured home park is in violation of the Town of Niagara Town Code. Chapter 245. Zoning Article III Classes of District Section 245-15 compliance with code Requirements, Subsection 245-15A. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 J.
- 3.) The dwellings required egress (Exterior stairs and landing) are deteriorated and in partial collapse to the point they no longer provide safe passage as originally designed. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 C., D., G., H., I, J.

- 4.) The dwellings electrical service has been divorced and contrary to local codes do not provide required utilities to the building systems dependent thereon. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I. J.
- 5.) The Dwellings windows have been boarded for longer time than allowed by the applicable Town code, and the lack of glazing no longer provides the required light and ventilation as original required and provided for. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 D., E., F., G., I., J. K.
- 6.) The dwelling has open penetrations at doors and windows, as well as exterior roof and side cladding of which no longer provide protection against unwanted pests or water infiltration. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions

• The Manufactured home known as #5 and located on lot number #5 has been found to have the following building defects and unsafe conditions:

- 1.) The Dwelling has remained vacant and unattended continuously for over a period of five years, **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 K.
- 2.) The Dwelling being located on an unlawful, unlicensed Manufactured home park is in violation of the Town of Niagara Town Code. Chapter 245. Zoning Article III-Classes of District Section. 245-15 compliance with code Requirements, Subsection 245-15A. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section 121-1 Definitions, subsection 121 -1 J.
- 3.) The dwellings required egress (Exterior stairs and landing) are deteriorated and in partial collapse to the point they no longer provide safe passage as originally designed. **Dangerous**, as defined by Town of Niagara Code, Chapter 121 Buildings, Unsafe Section

Each of the above referenced dangerous structures are hereby declared a public nuisance as required by Town of Niagara Code Chapter 121 Section 121-4 , hereby ordered to be vacated with each dwellings Certificate of occupancy revoked per Town of Niagara Code Chapter 121 Section 121 2 B.

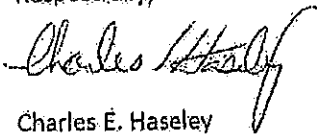
You as owner of these dwellings and or the owner/operator of the premise of which these unsafe structures are located per The Property Maintenance code of New York State Chapter 1 Scope and Administration, Section 107 Unsafe Structures and Equipment, Subsection 107.6 shall abate or cause the abatement of these unsafe structures by razing the structures in their entirety as required by the Town of Niagara Code Chapter 121 buildings Unsafe, Section 121 -2 C.

Town Issued Demolition permits are required to be applied for and ultimately obtained from the Town of Niagara Department of Inspections prior to commencement of associated demolition work. Please note a separate utility service disconnect permit/s are required to be obtained from the Town of Niagara Water and sewer Department prior to release of the demolition permit . Enclosed for your viewing /use is a blank demolition application form.

Failure to comply with this order and or upon failure by neglect, or refusal by you as owner to take the appropriate actions to demolish these unsafe structures within 30 days of date of this notice shall result in the Town of Niagara taking any and all actions within the Law to gain compliance to include but not limited to the penalties outlined in town of Niagara Code Chapter 121, section 121 -7 Penalties for Offences and or section 121 -8 Emergency cases as deemed appropriate.

As always, should you and or any of your agents have any questions in this mater please do not hesitate to contact the undersigned.

Respectfully;



Charles E. Haseley
Building Inspector

CC: Town of Niagara Supervisor - Sylvia Virtuoso
Town of Niagara Attorney - Mike Risman
Town of Niagara assessor - Jim Bird
Town of Niagara Town Clerk - Melissa Cerrillo
Town of Niagara Water and Sewer Superintendent - Brian Belter

Encl. - Ref. (TNC), Demolition application form

Michael B. Risman
Partner
Direct Dial: 716.848.1291
Direct Facsimile: 716.819.4758
E-Mail: mrisman@hodgsonruss.com

**NOTICE TO VACATE, REPAIR OR DEMOLISH
UNSAFE BUILDING LOCATED AT 2926 LOCKPORT
ROAD IN THE TOWN OF NIAGARA, NEW YORK**

October 28, 2024

Via Certified Mail
Return Receipt Requested

Andy Leone
Maximum Income Partners Inc.
2250 West Ridge Road – Suite 300
Rochester, New York 14626-2805

PLEASE TAKE NOTICE pursuant to Section 121-6 of the Town of Niagara Town Code, that the Town of Niagara has determined that the premises known as 7400 Porter Road (“property”) (SBL # 145.12-1-19) in the Town of Niagara is unsafe, dangerous, condemned and in need of immediate repair or demolition. The buildings have unsafe roofs and walls, broken and open windows and doors, are unprotected from the elements, and have accumulated litter throughout, and are unsafe, unsanitary, and dangerous to the health, morals, safety and general welfare of the people of the Town of Niagara, and are open to the elements and a further fire and safety hazard as set forth in the letter dated July 29, 2024 from the Town of Niagara Building Inspector Charles Haseley.

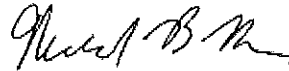
Pursuant to Section 121-6 of the Town of Niagara Town Code, the Town must provide notice to the owner of the property or any person or entity having any vested or contingent interest in the property. A search of the title to the property reveals you may have an ownership or a vested or contingent interest in the property. As a result, this notice is being provided to you. In addition, you are hereby ordered to make the property at 7400 Porter Road in the Town of Niagara immediately safe and secure or remove the premises.

YOU ARE FURTHER NOTIFIED and directed to appear at a public hearing to be held by the **Town of Niagara Town Board on Tuesday, December 17, 2024 at 6:30 p.m. at Town of Niagara Town Hall, 7105 Lockport Road, Niagara Falls, New York** to show cause why the buildings at 7400 Porter Road reported to be in a dangerous condition should not be repaired, vacated, or demolished in accordance with the determination of the Town Building Inspector. At the hearing before the Town Board, you will be provided with the opportunity to be heard and to present testimony and evidence relative to the condition of the building. If the Town Board determines after the public hearing that the building is dangerous, the Town Board

can issue an Order directing the owner or any person or entity with a vested or contingent interest in the property to either vacate, repair, or remove the dangerous building.

If the structure is not repaired, vacated or demolished, the Town may thereafter cause the building to be repaired, vacated or demolished and the charges assessed against the land on which the building sits and added to the tax rolls as an assessment and lien against the property pursuant to New York State Town Law §130 (16) (g) and Town Code §121-6. The Town may also commence a special proceeding against the responsible parties to recover the costs of demolition, including reasonable and necessary legal expense incident to obtaining an order to demolish, pursuant to New York State General Municipal Law §78-b.

Yours truly,



Michael B. Risman

MBR/lml

Copy to: Sylvia Virtuoso
Town Supervisor
Town of Niagara

Charles Haseley
Town Building Inspector



The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040

ANDY LEONE
MAXIMUM INCOME PARTNERS INC.
2250 WEST RIDGE ROAD - SUITE 300
ROCHESTER, NEW YORK 14626-2805

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andy Leone
Maximum Income Partners Inc
2250 West Ridge Road
Suite 300
Rochester, NY 14626-2805



9590 9402 7306 2028 6836 83

2. Article Number (transfer from service label)

7019 2970 0001 2862 4998

PS Form 3811, July 2020 PSN 7550-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) Date of Delivery
- D. Is delivery address different from item 1? Yes
if YES, enter delivery address below: No

3. Service Type Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Collect on Delivery Signature Confirmation™
 Insured Mail Signature Confirmation Restricted Delivery
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 01925.0001

Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$
 Return Receipt (electronic) \$
 Certified Mail Restricted Delivery \$
 Adult Signature Required \$
 Adult Signature Restricted Delivery \$

Postmark Here

Total Postage and Fees \$

Sort 9
 Ship to: Maximum Income Partners
 Street and PO Box: 2250 West Ridge Rd - Suite 300
 City: Rochester, NY 14626

PS Form 3809, April 2016 PSN 7550-02-000-9047 See Reverse for Instructions

CERTIFIED MAIL®

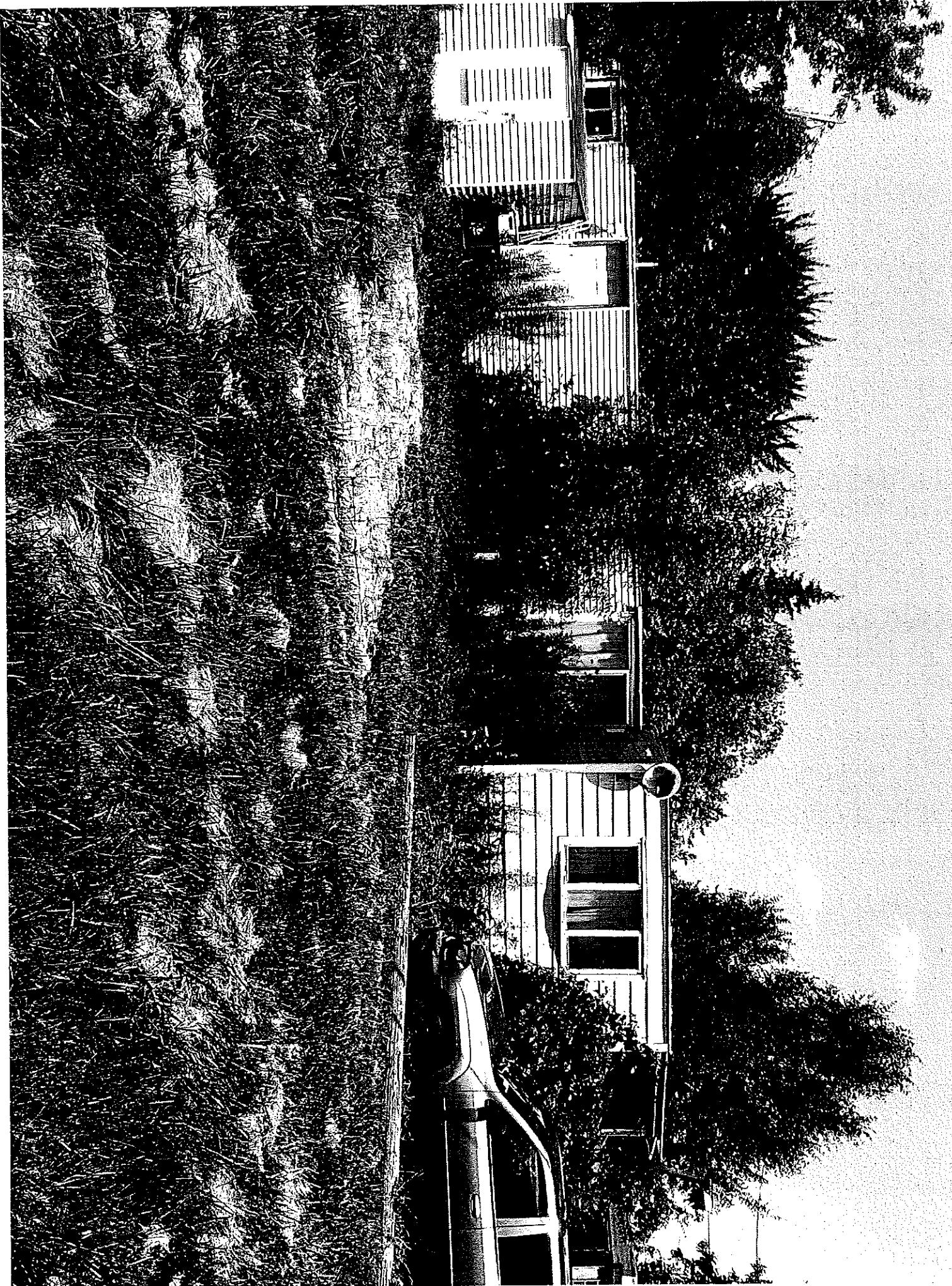
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

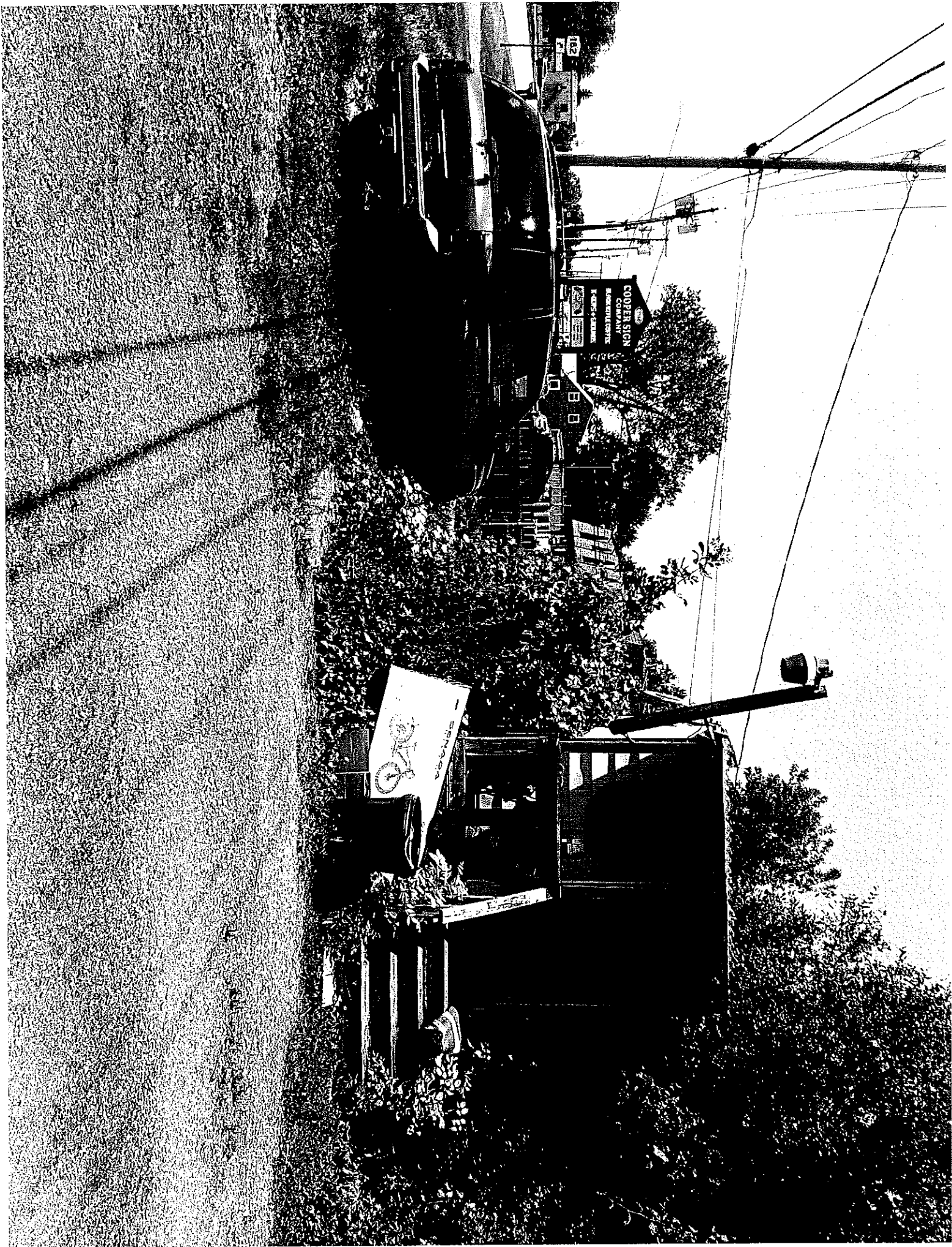
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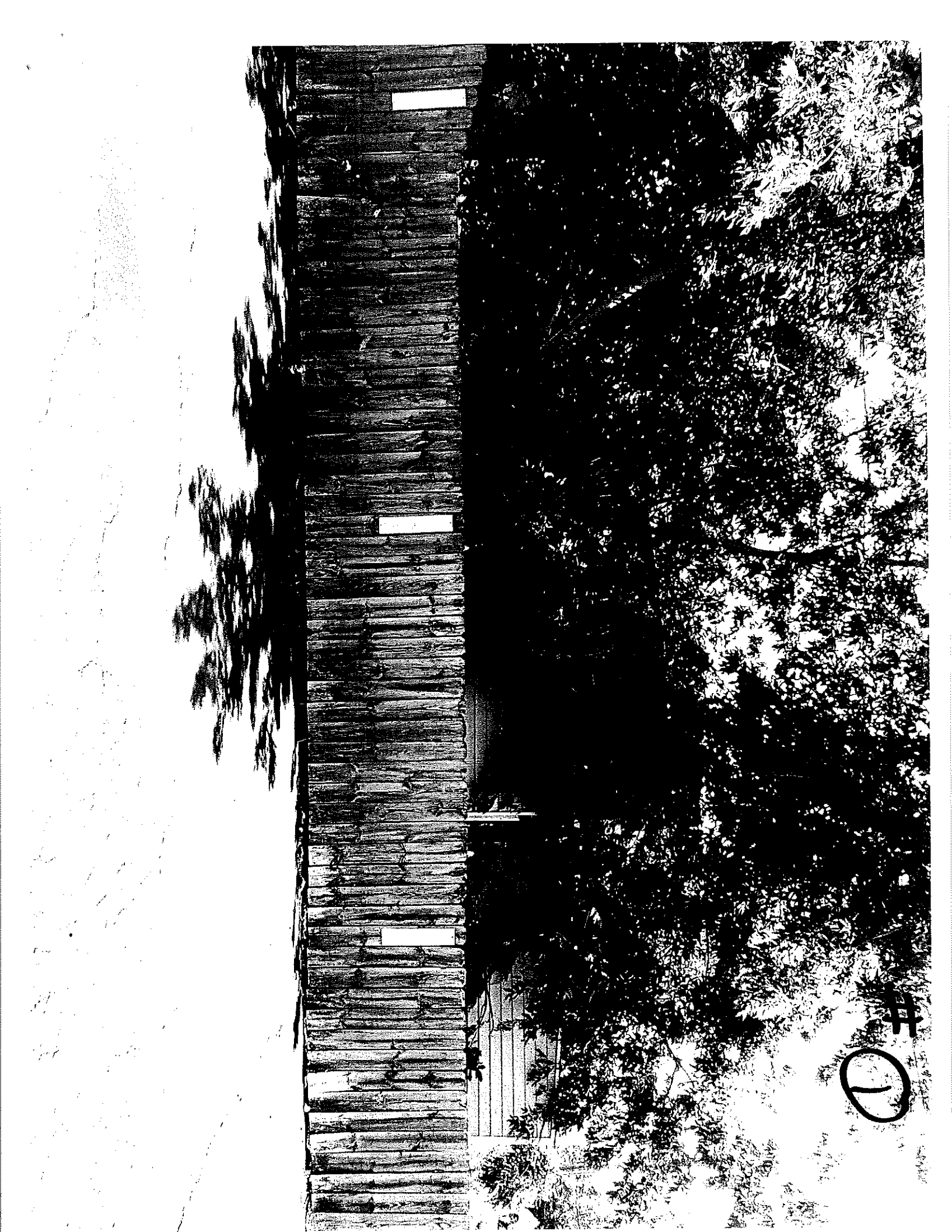
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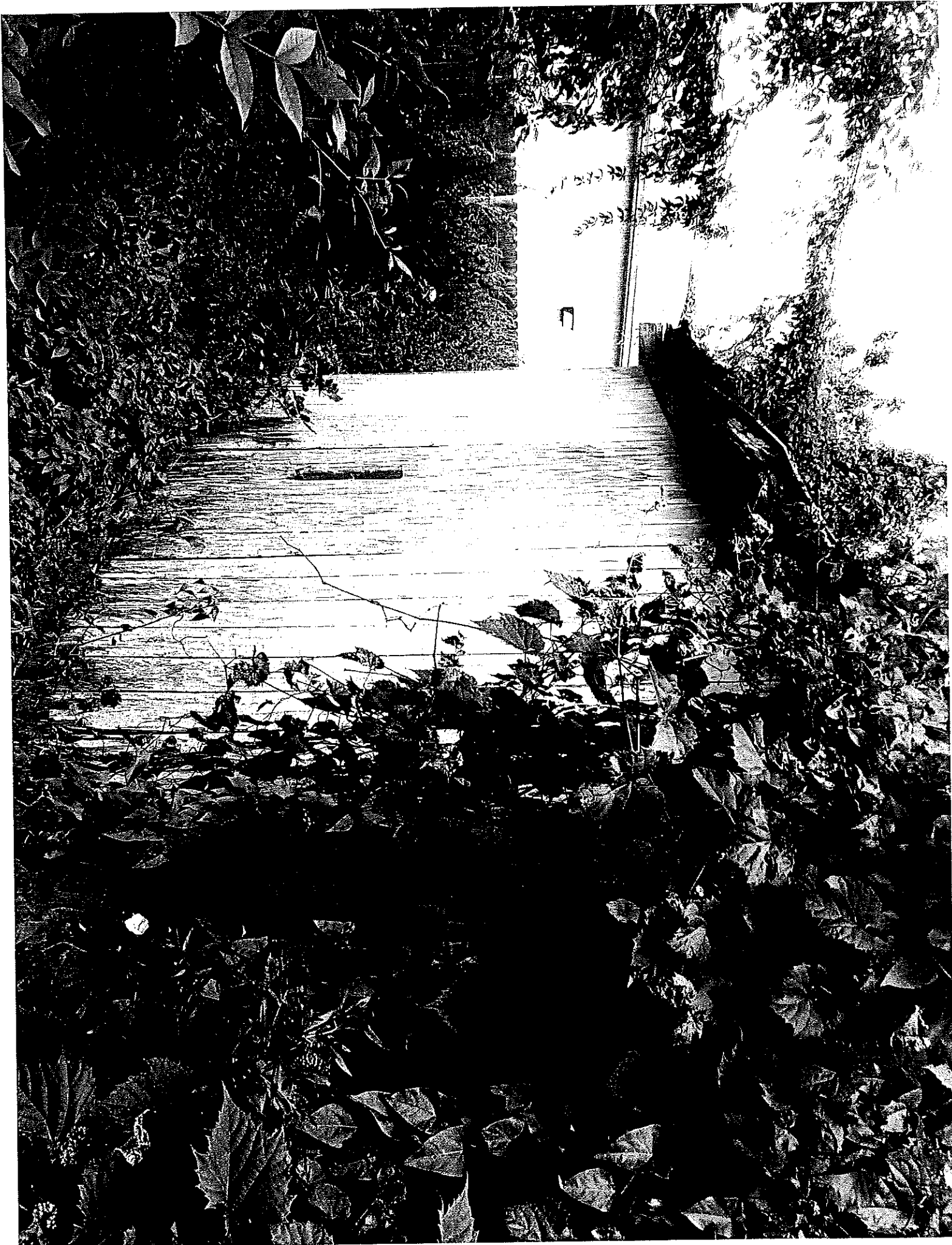
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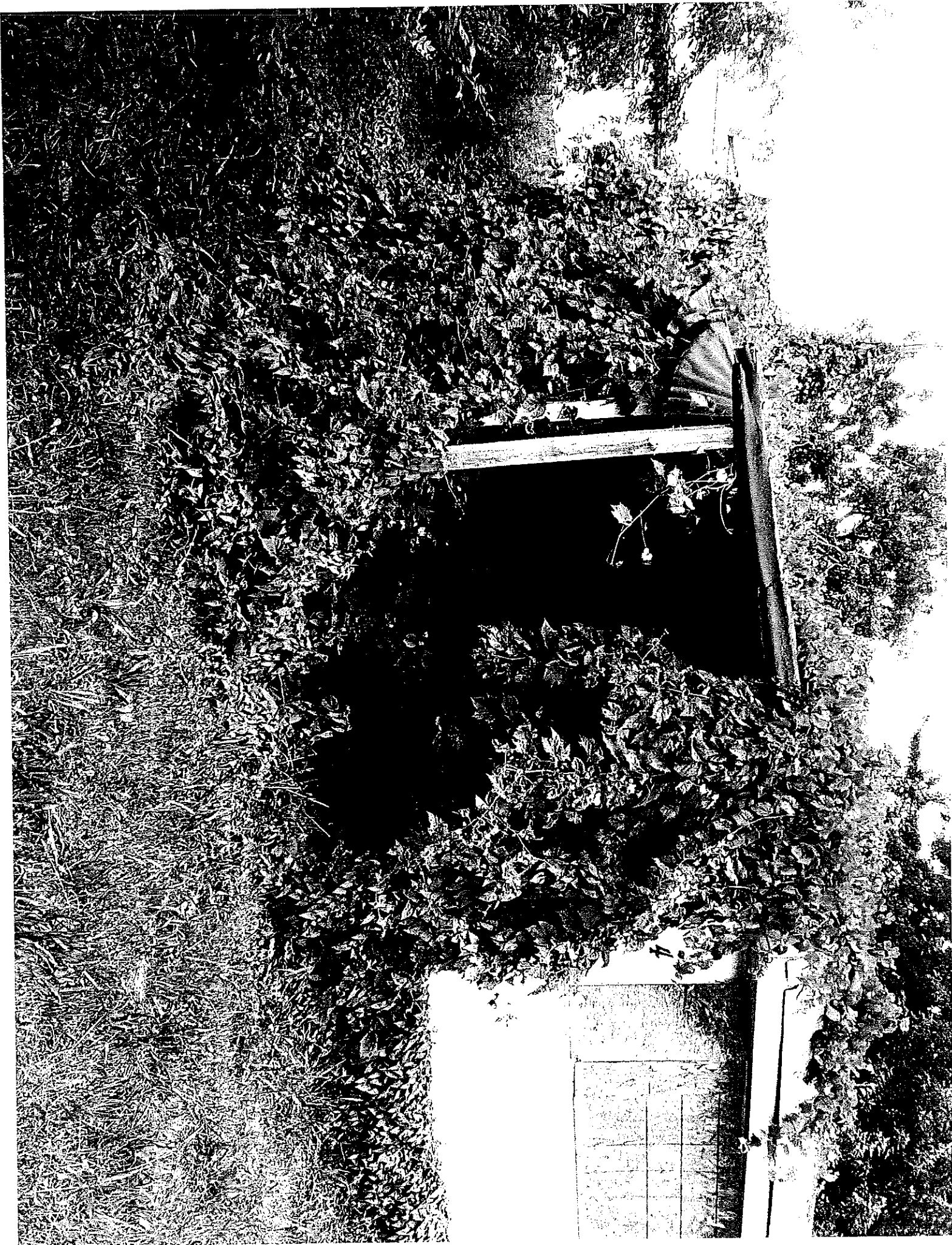


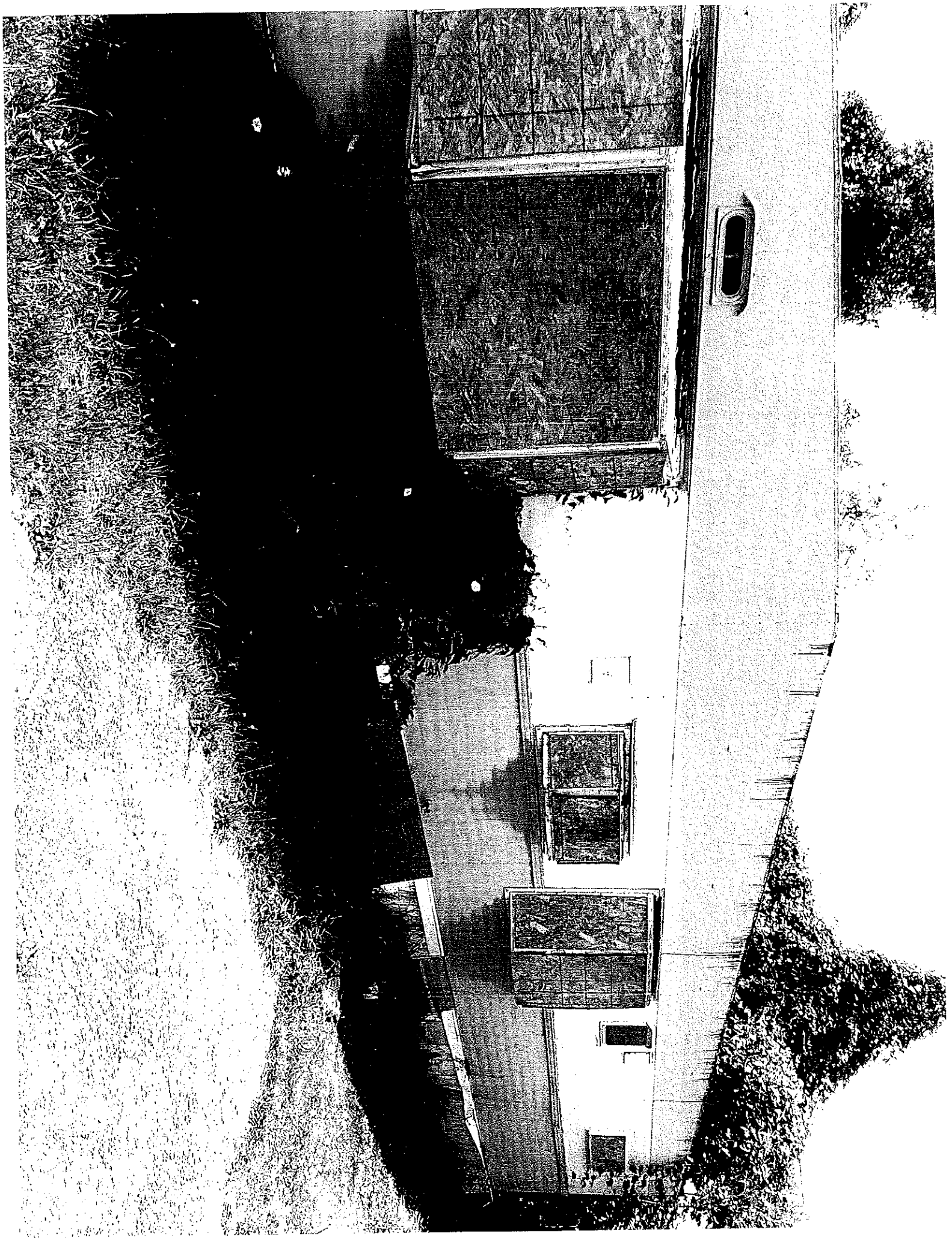






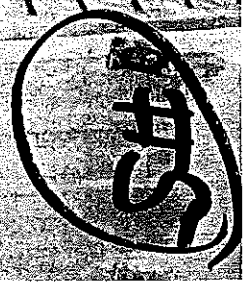


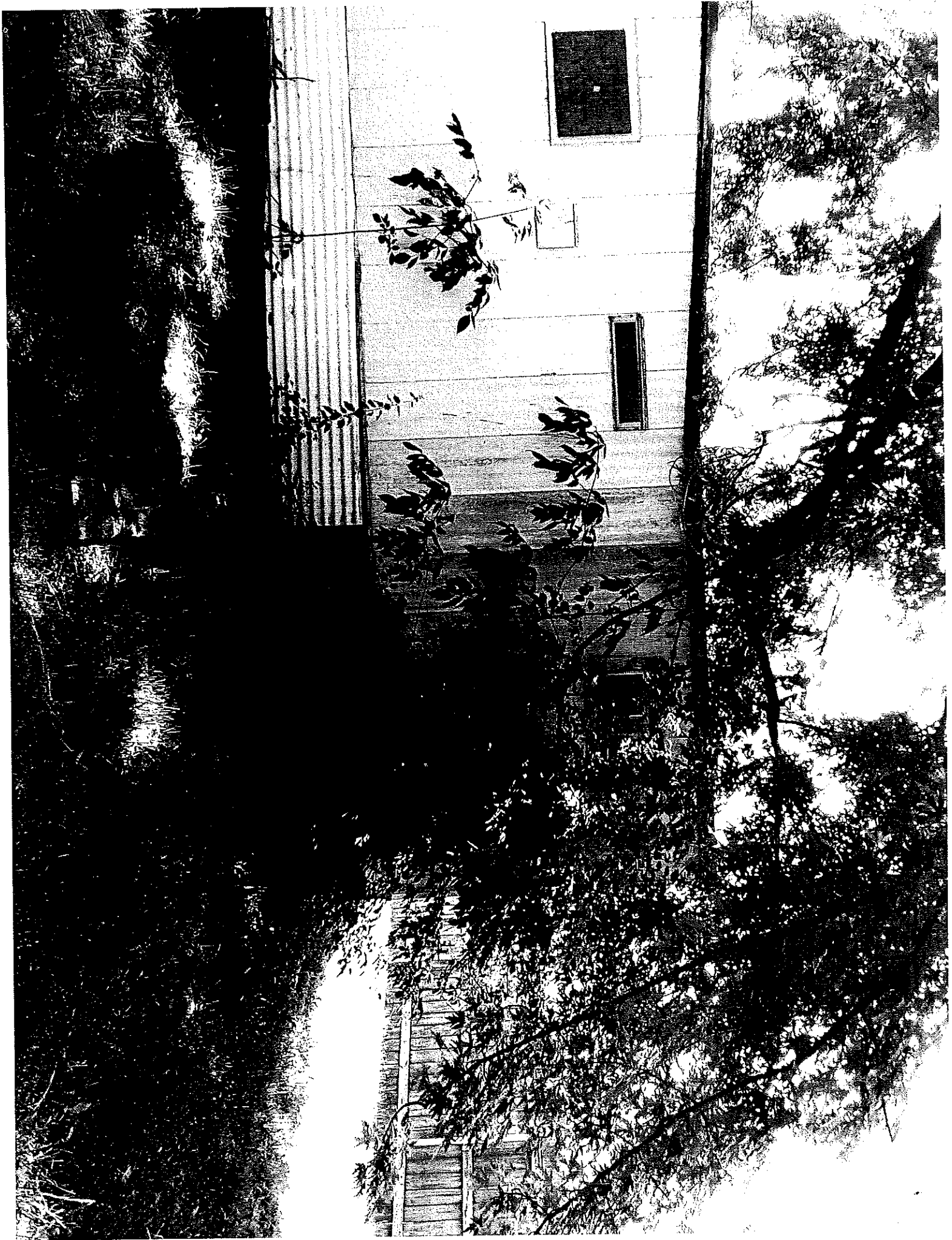


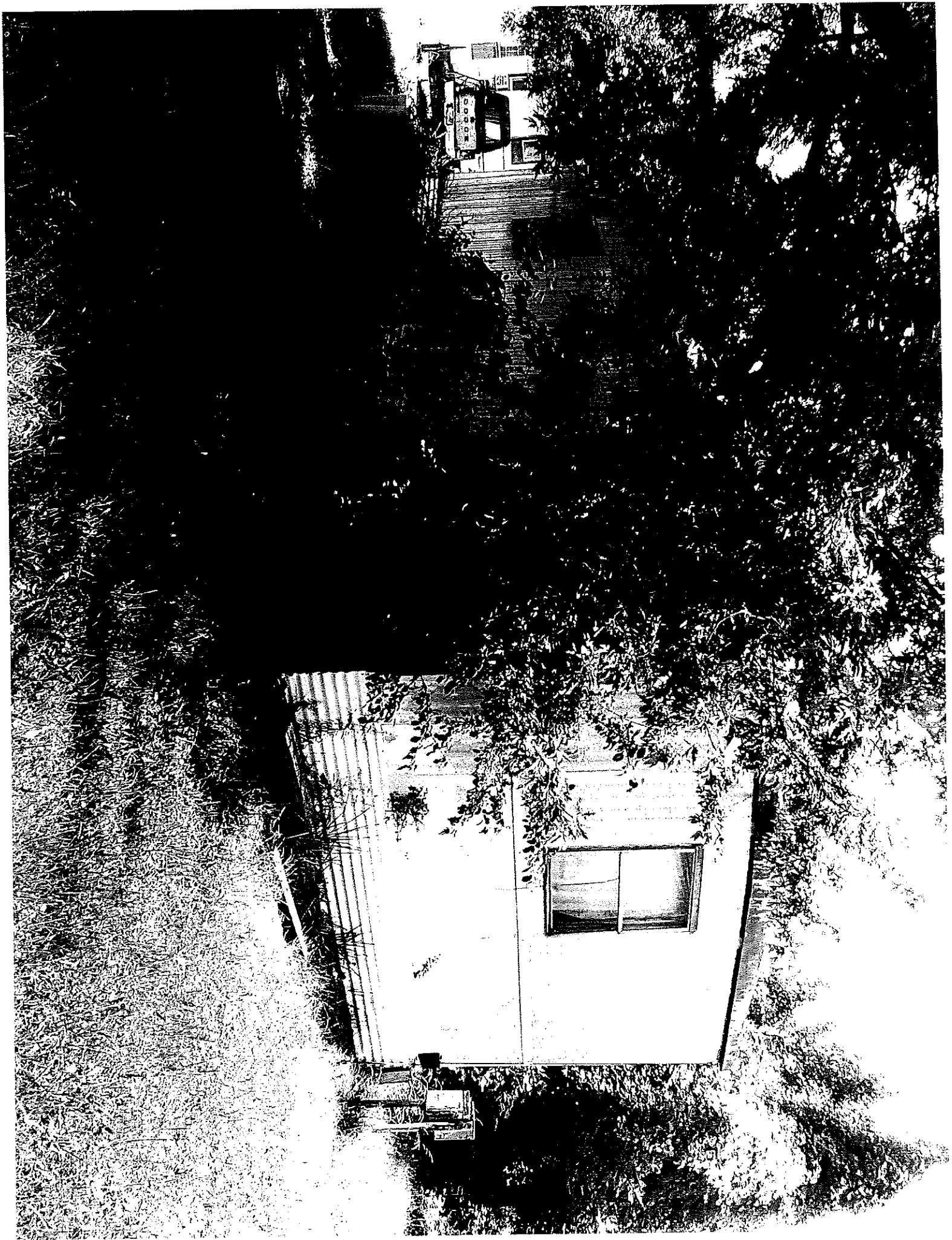


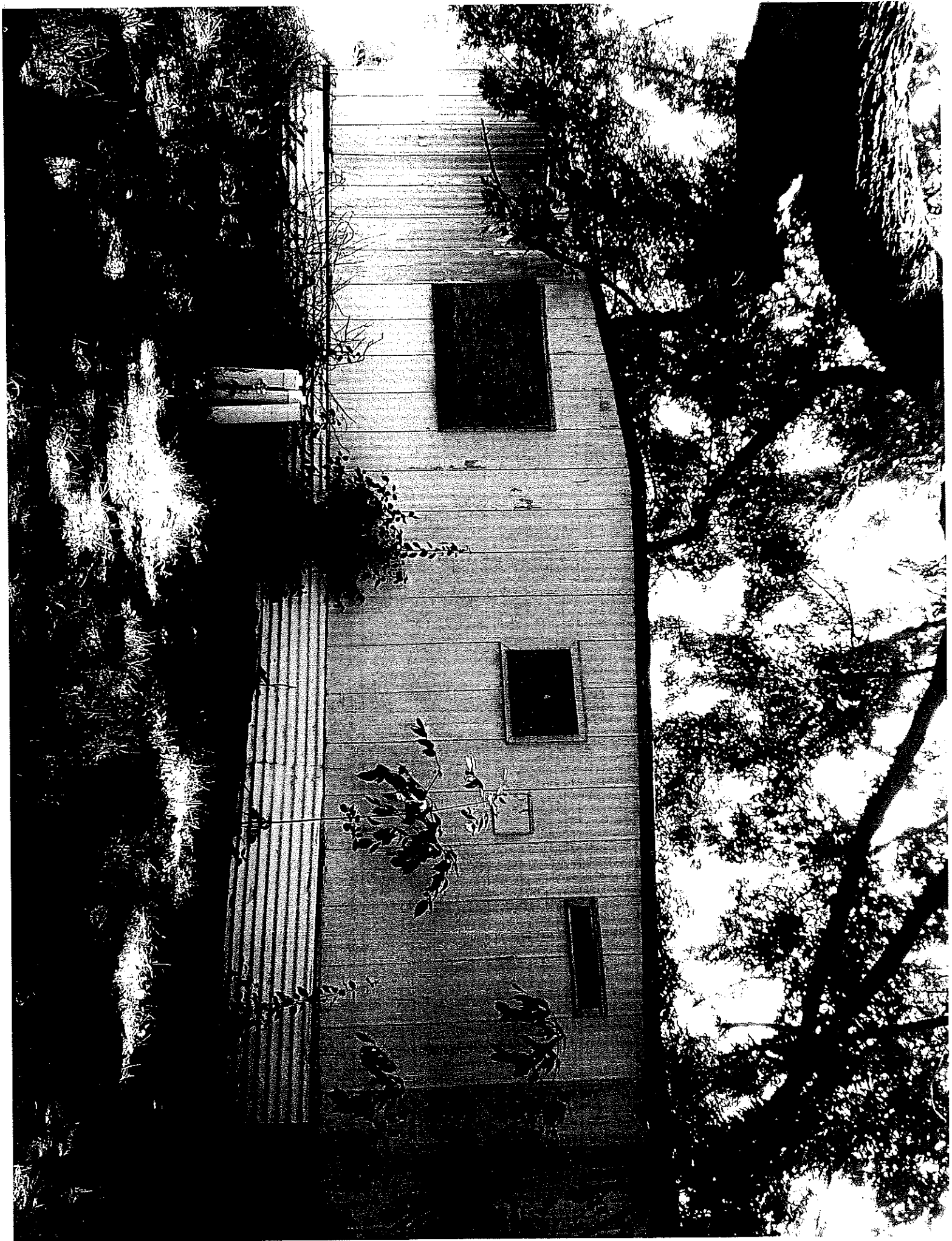


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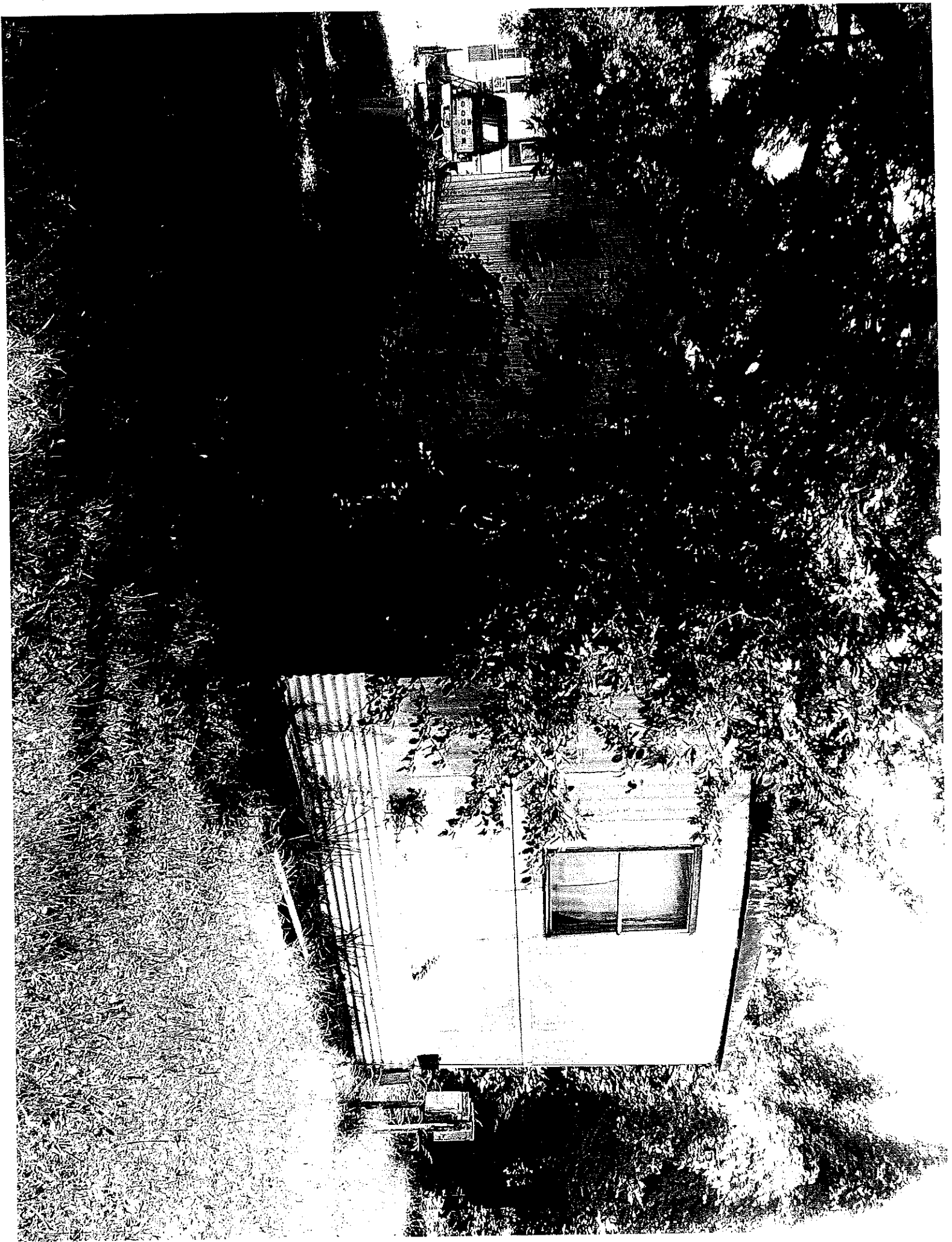


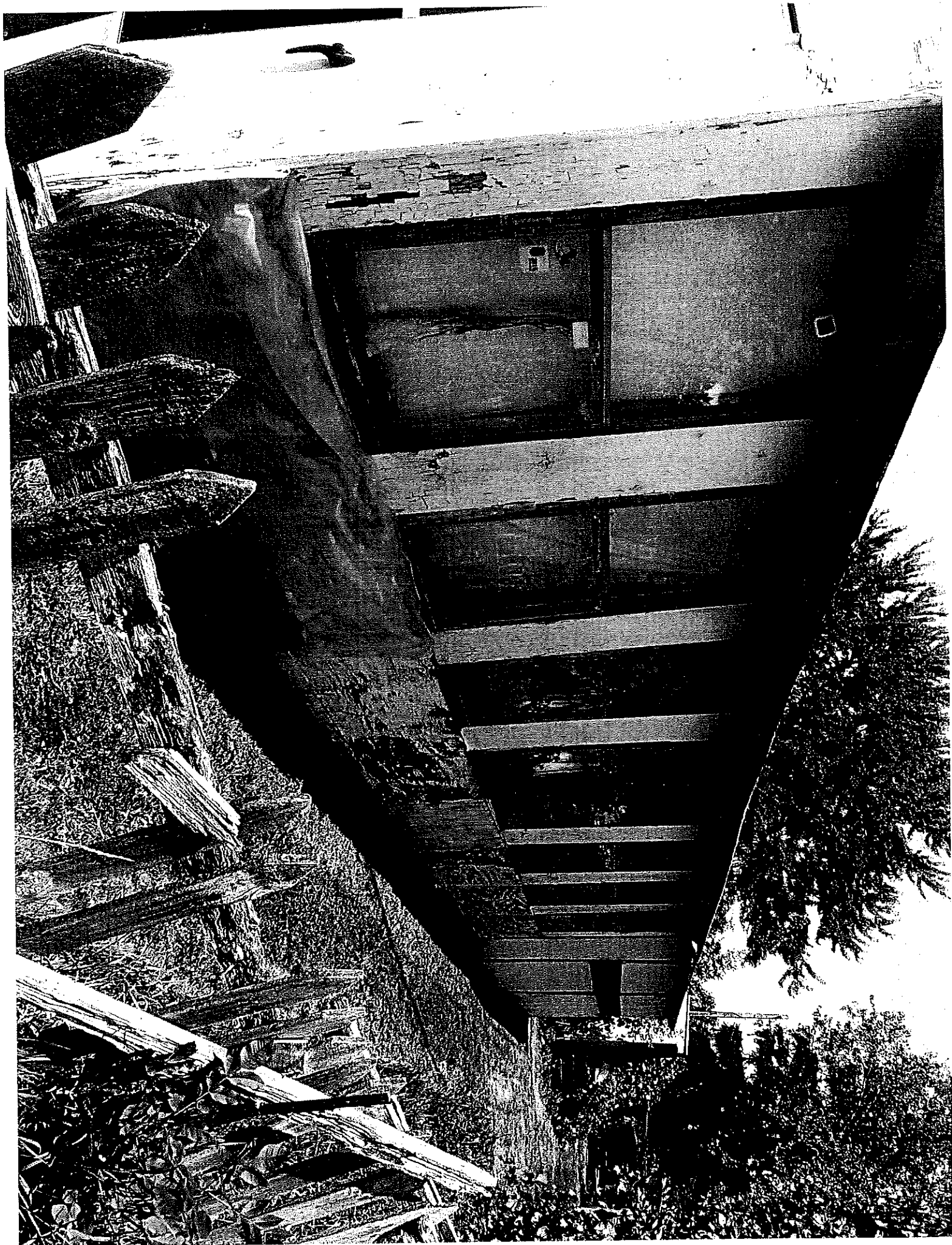


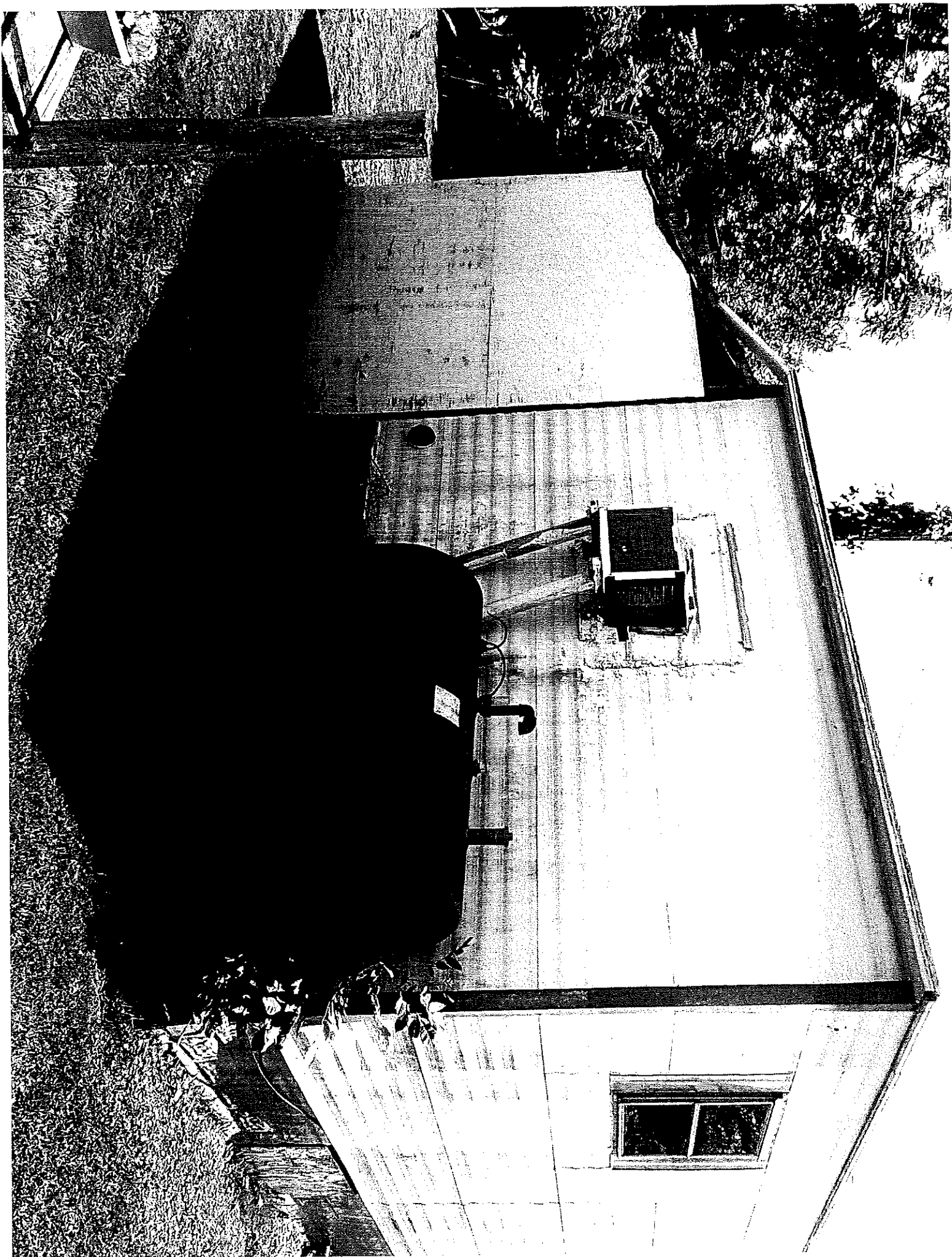


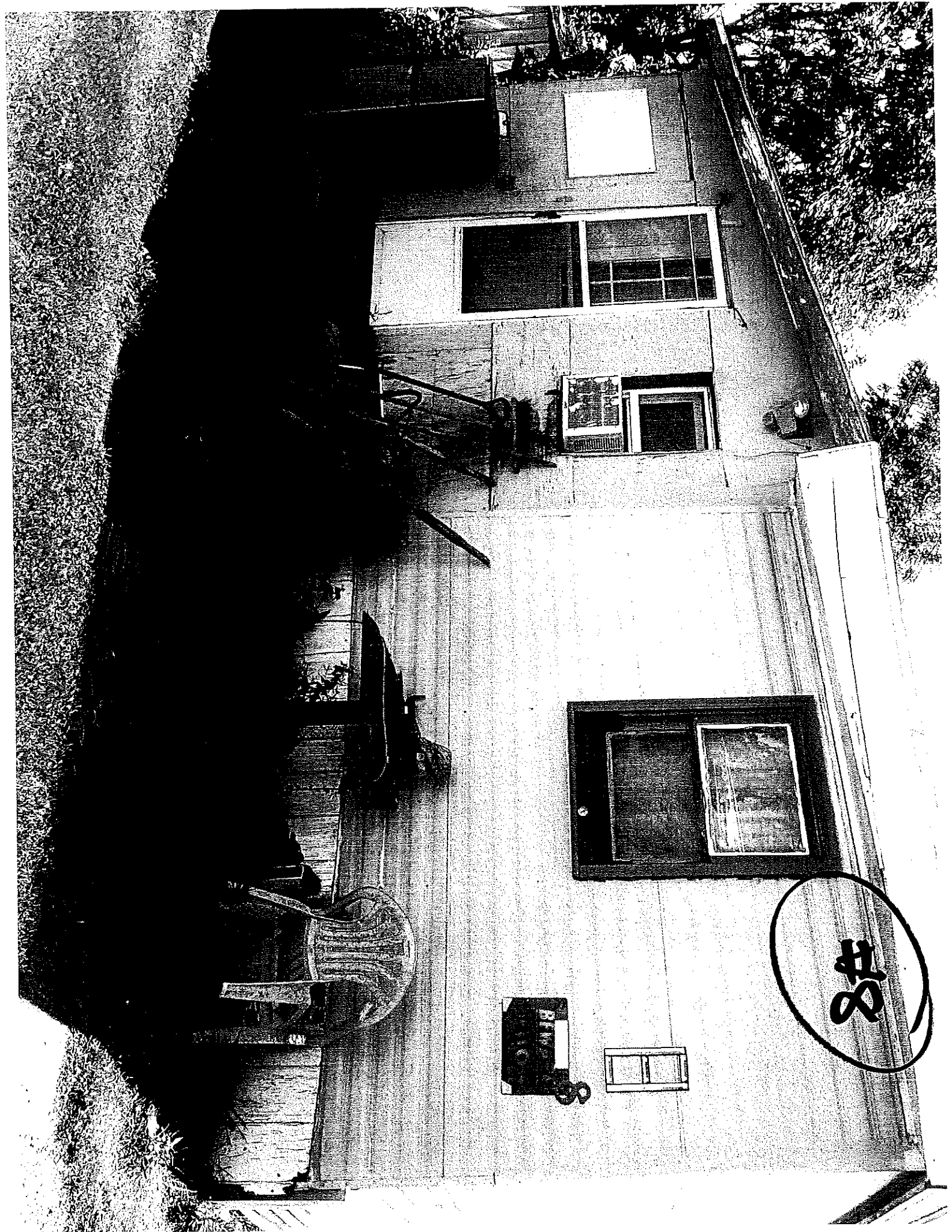


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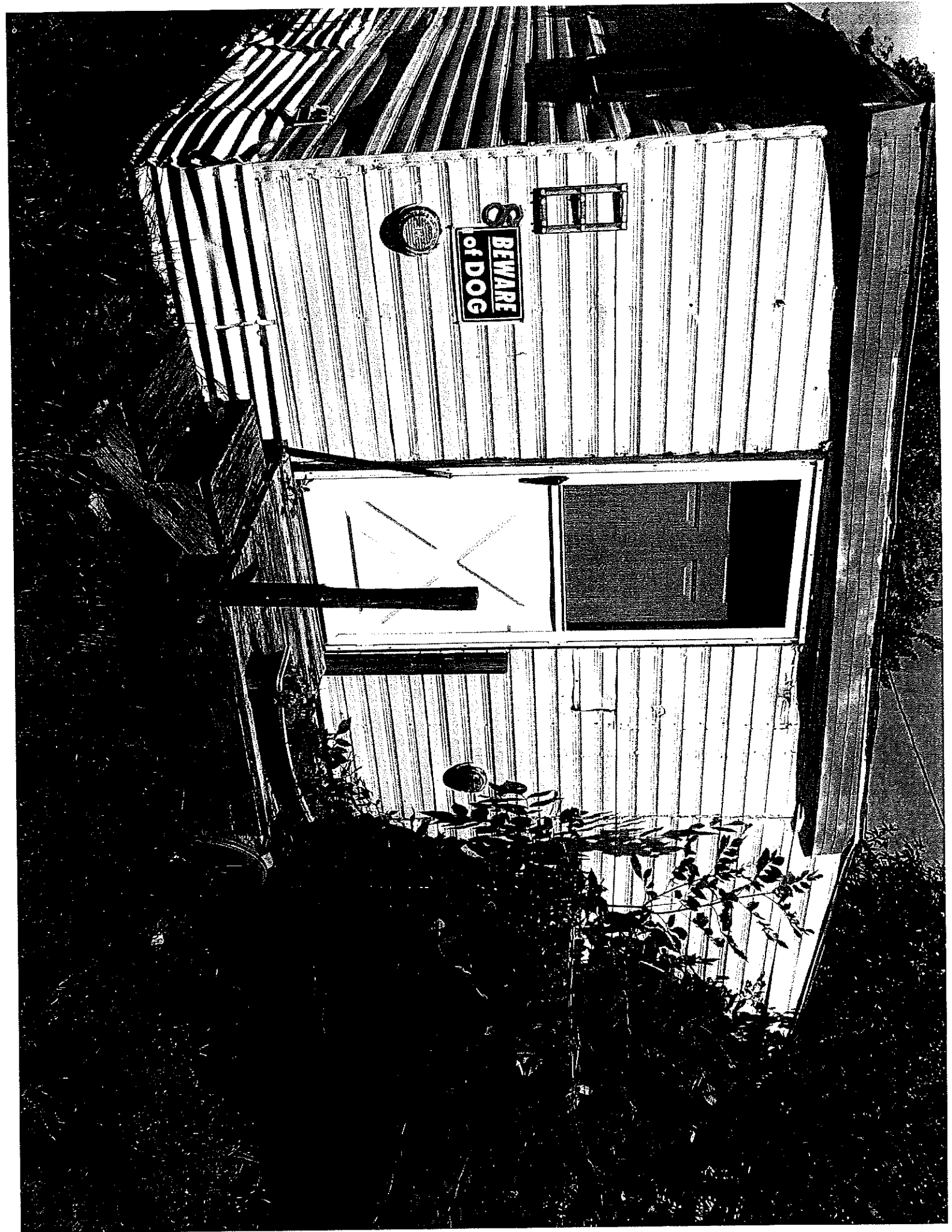




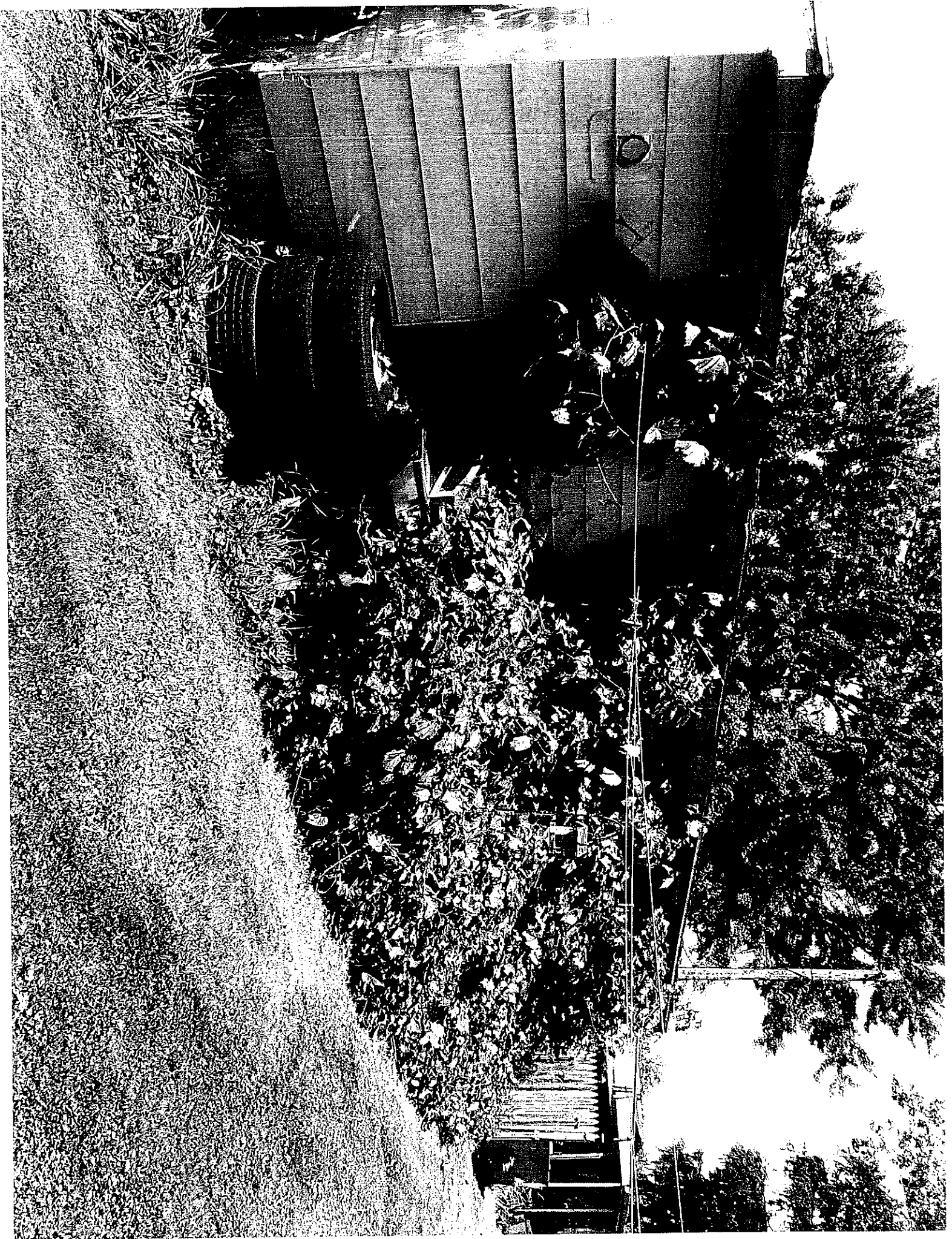
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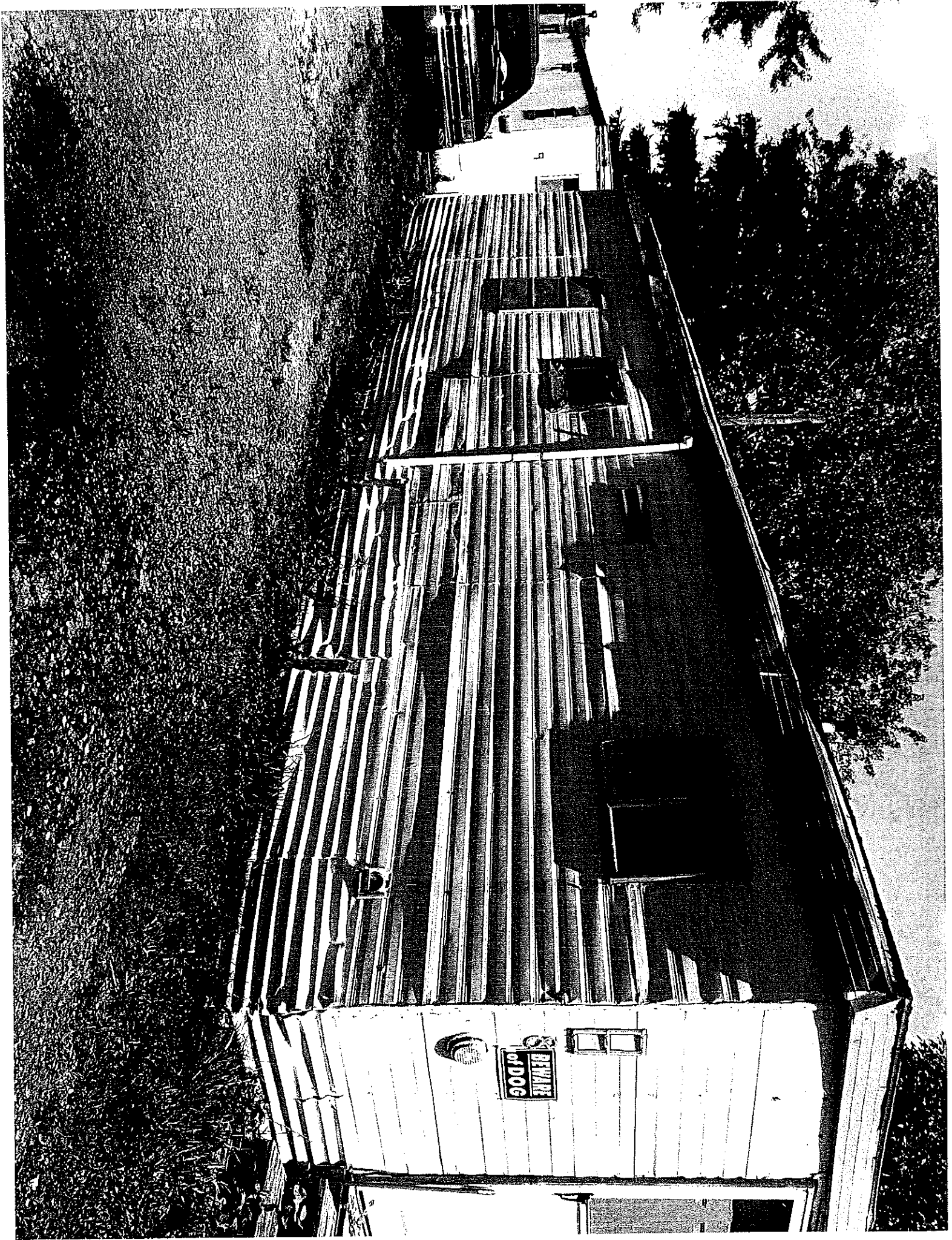
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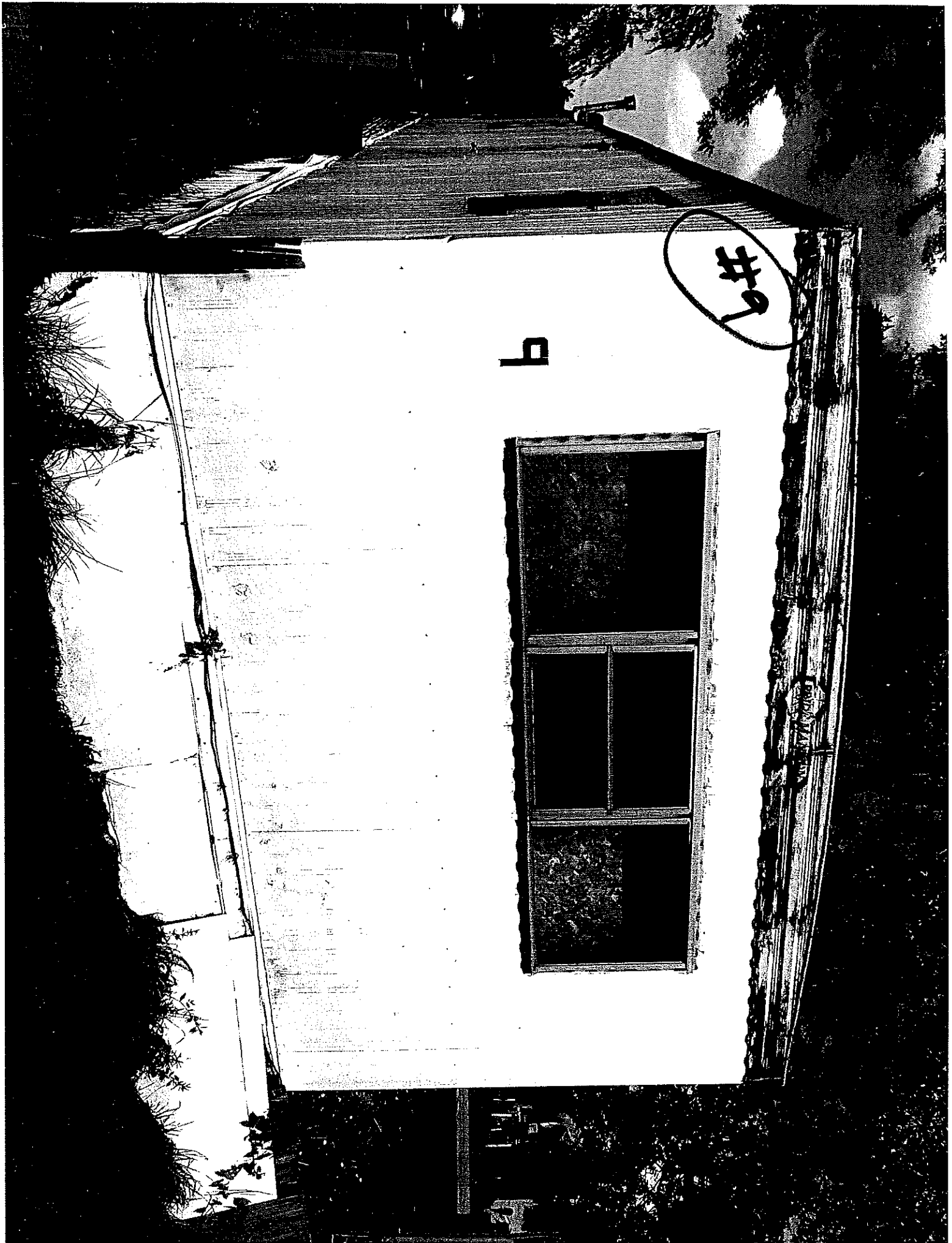


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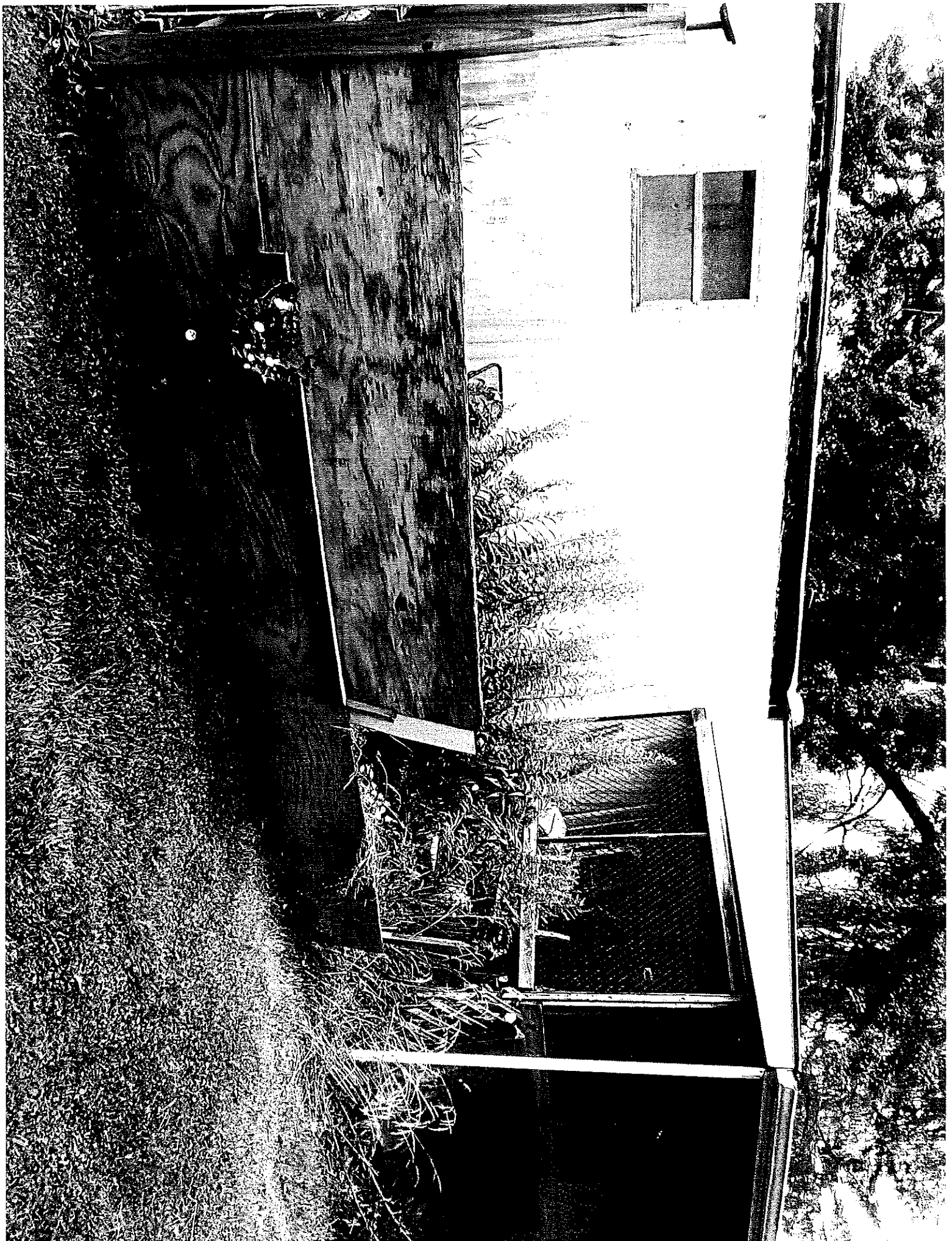
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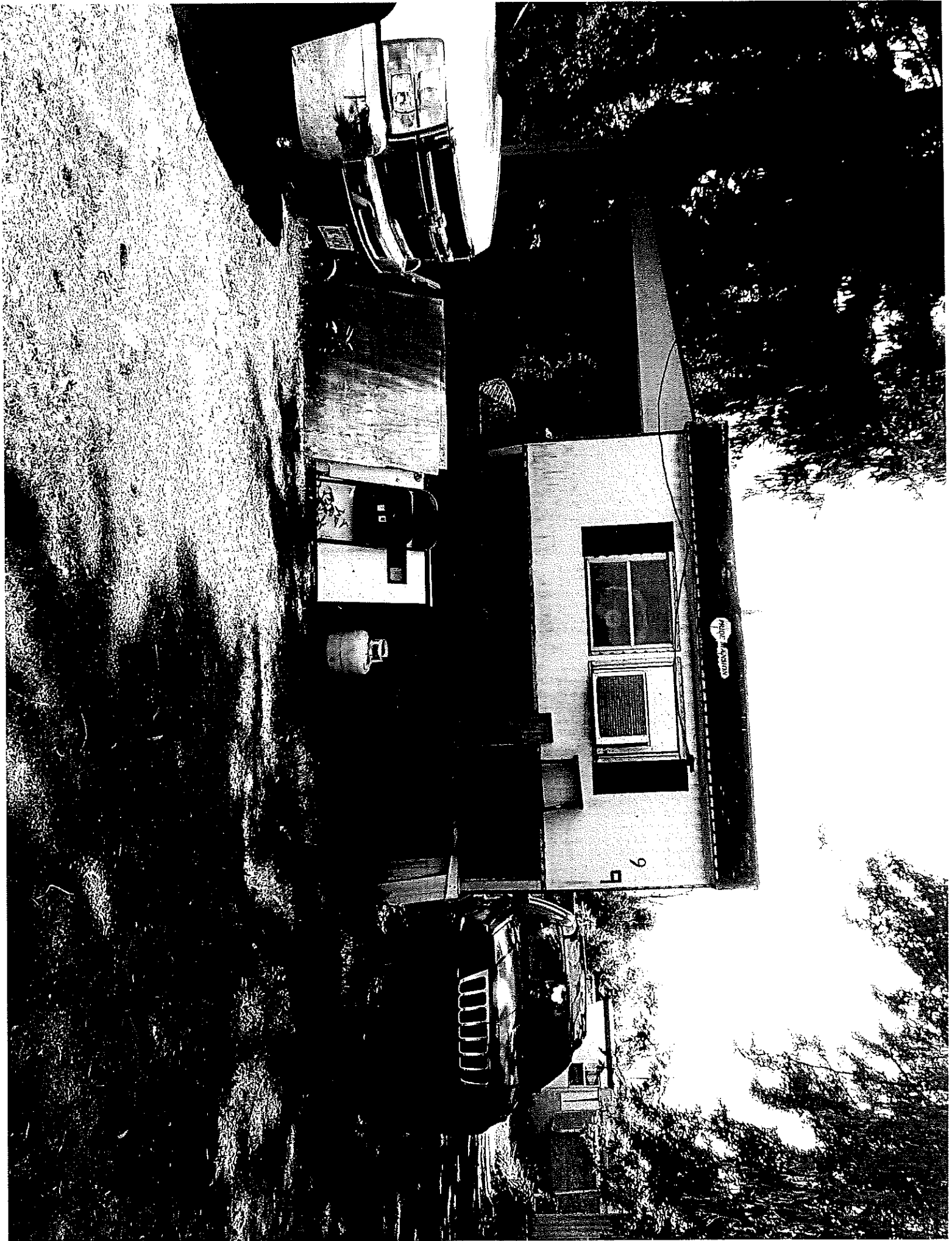






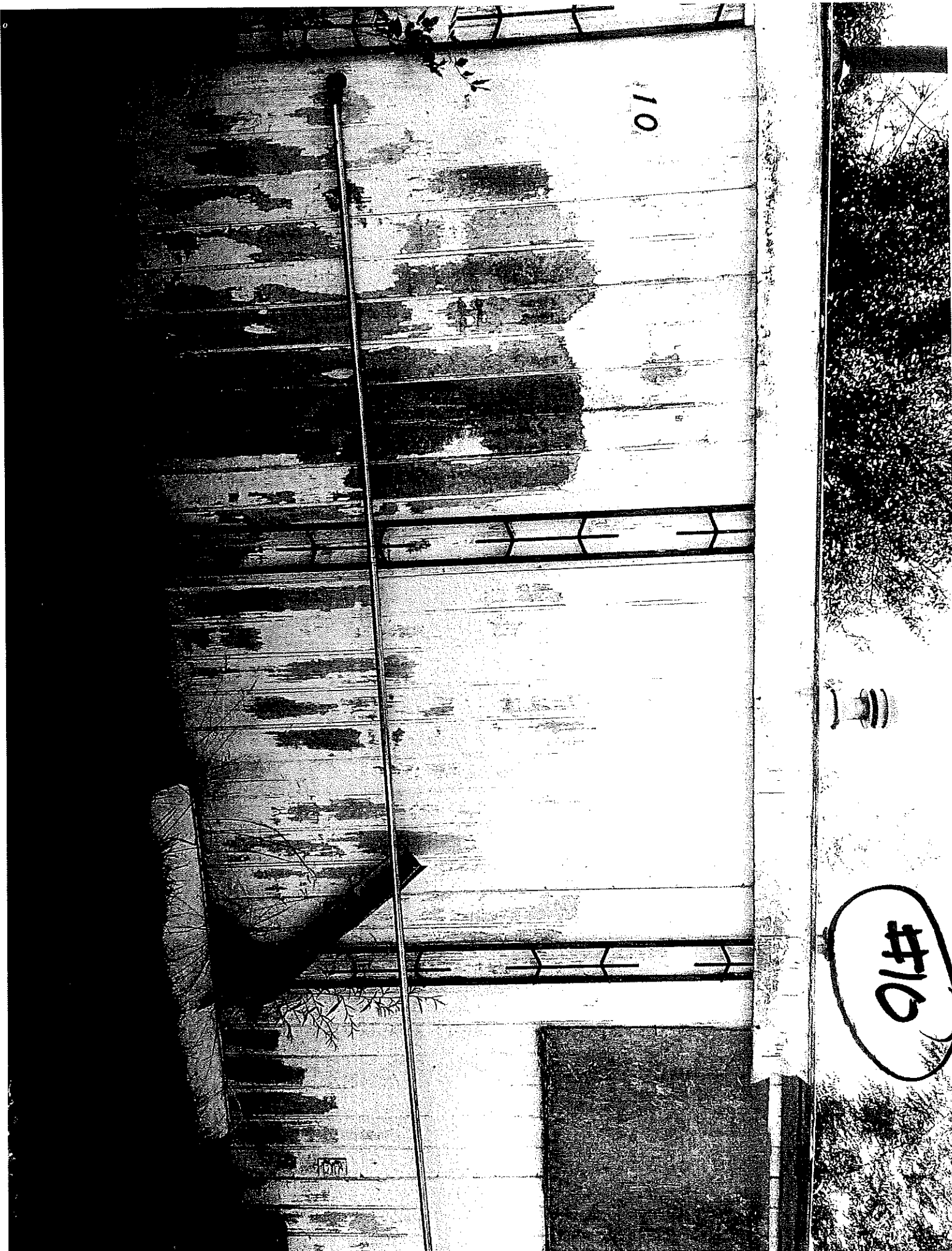




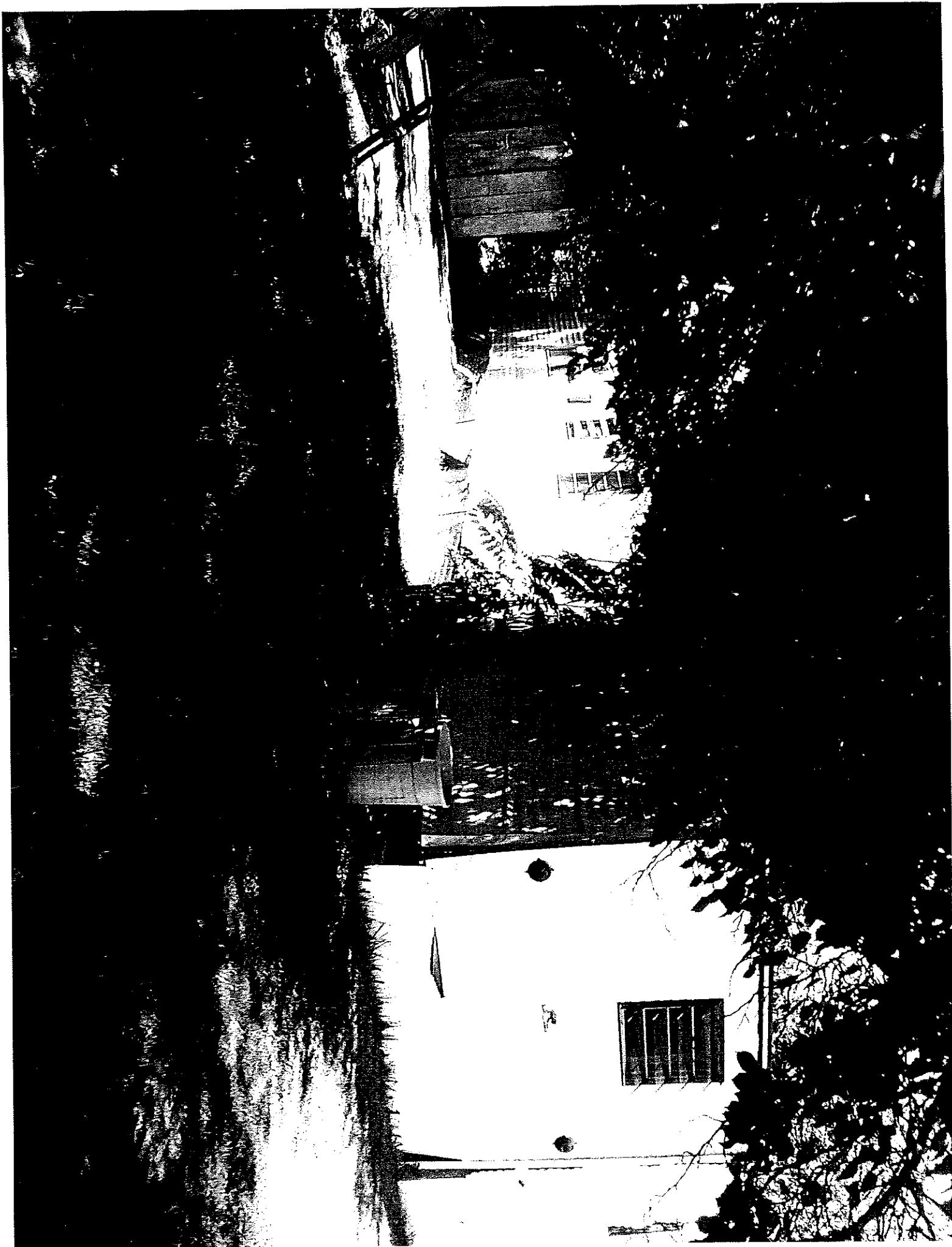


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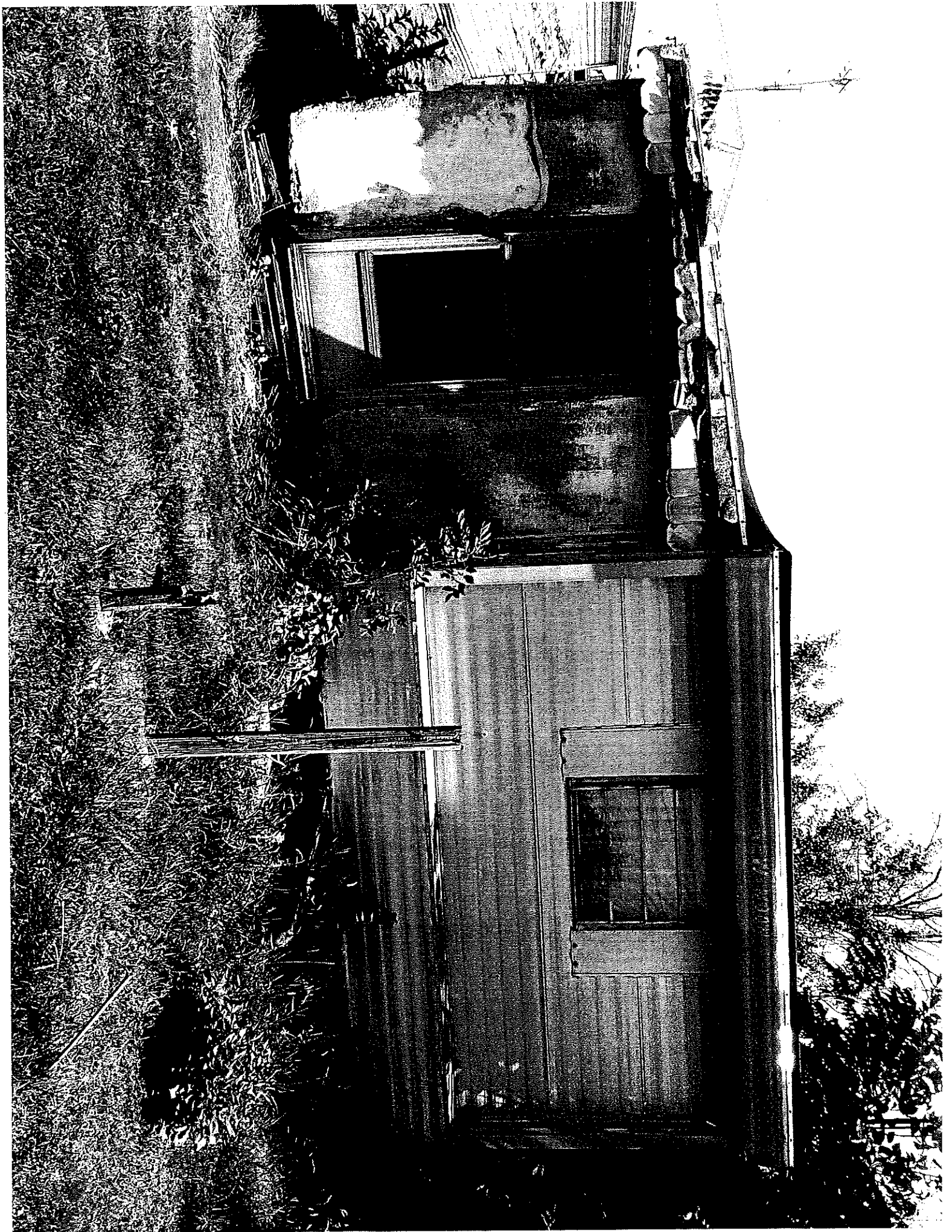


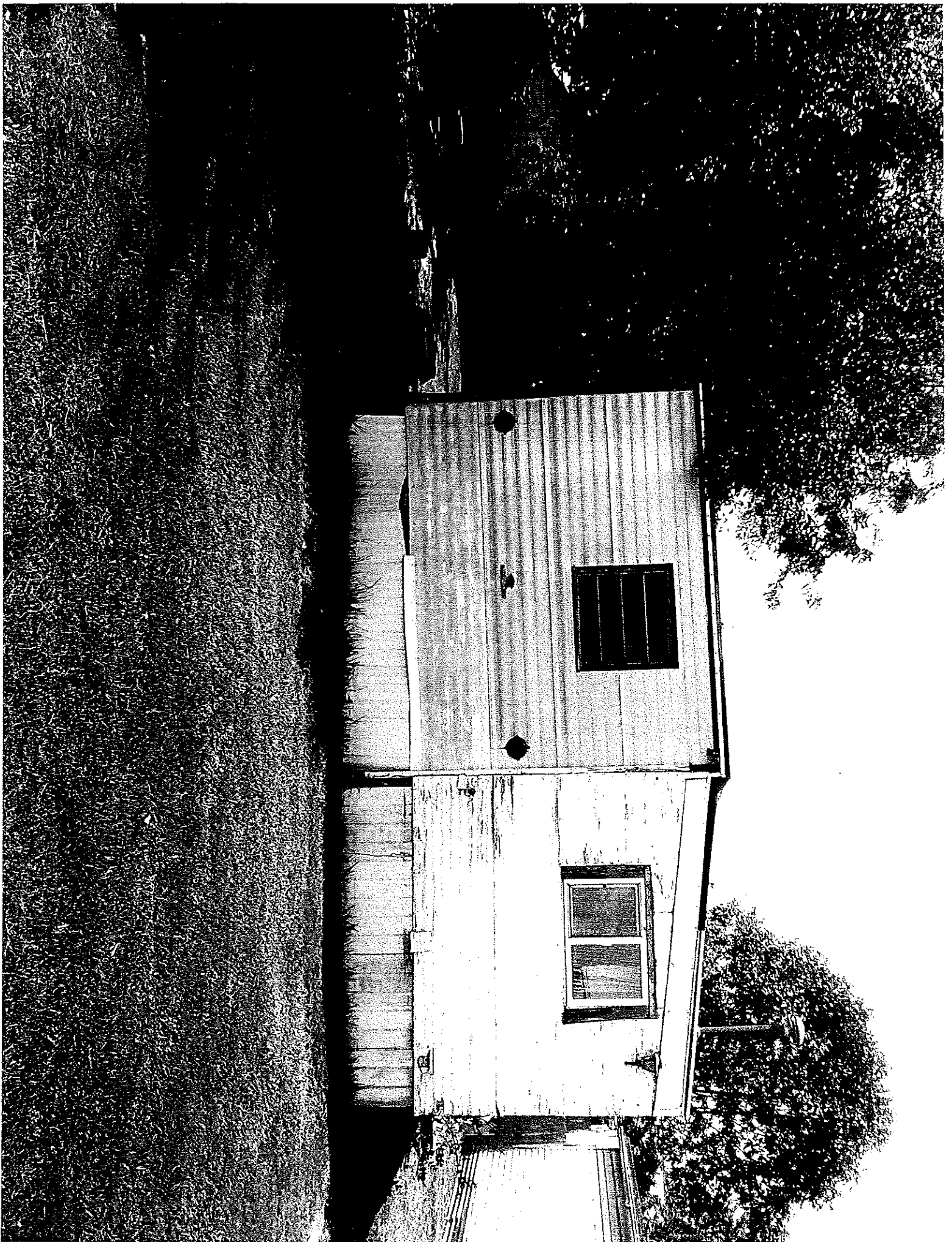














**LATE
AGENDA ITEM**

AGENDA SUBMITTAL

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

**DATE: December 2024
TO: Town Board
FROM: Sylvia Virtuoso
DEPARTMENT: Supervisor**

**LATE
AGENDA ITEM**

Type or print agenda item in box below:

Resolution accepting the resignation of Micheal Benedict, Esq. due to a conflict of interest and appointing Nicholas J. Narchus, Esq. as Town Prosecutor.

text
&
comp.

ANY EXCEPTIONS MUST BE APPROVED BY THE SUPERVISOR

LATE AGENDA APPROVAL BY TOWN SUPERVISOR _____ (Supervisor Initials)

**LATE
AGENDA ITEM**

Nicholas J. Narchus, Esq.

Attorney at Law

Phone: 716.266.9007 | email: nick@narchuslaw.com

Expertise

- Litigation strategy and management
- Legal research and writing
- Evictions
- Negotiations and settlement agreements
- Business formations, contracts, and strategy
- Contract drafting and review
- Labor and employment law
- Administrative law
- Business strategy consulting
- Wills, trusts, and estates
- Criminal law
- DWI, vehicle and traffic

Experience

Self-Employed, Nicholas J. Narchus, PLLC

March 2018-Present

- General practice firm engaged in the above expertise.

Livingston County Conflict Defenders' Office

June 2019- May 2020

- Handled all stages of family court matters (Article 6, Article 10 & Support).
- Managed large case-load as part-time employee with a proven record of success of favorable outcome for my clients.

Gomez & Becker, LLP

May 2017- March 2018

- Developed and implemented litigation, discovery, settlement and trial strategies for plaintiff & defense.
- Obtained probable cause in >90% of division of human rights cases.

1-4 SecTech LLC

March 2017- May 2017

- Analyzed the needs of the business, developed and drafted service agreements, debt financing services, NDAs, non-competes and operating agreements.
- Created strategic business plan to obtain debt financing and bring proprietary technology to market

Tully Rinckey, PLLC

January 2016- March 2017

- Expanded practice areas in newly opened office to include business formations and strategic planning; real estate; wills, trusts and estates
- Collaborated with colleagues to prepare cases for litigation

Other Experience

January 2014- January 2016

- *Ogorek Wealth Management, LLC*- created and tailored financial plans for clients' needs based on
- *Raymond James Financial Services*- Obtained clients and managed their investments.

Education & Licenses

- **State Bar of New York**, admitted January 2014
- **Series 7 & Series 66 licenses**, April 2014 (expired May 2017)
- **University at Buffalo Law School**, J.D. 2013

TOWN OF NIAGARA
LOCAL LAW NO. 2024-5

The Town of Niagara hereby adopts Local Law No. 2024-5 by amending the rates and charges for sewer and water service and connection charges set forth in Chapter 135 and 200 of the Town Code as follows:

I. Section 135-121. Appendix I: Permit and Use Changes

B. Water use charges.

- (1) Metered water service. There shall be a charge for metered water usage computed quarterly as well as a quarterly utility fee. The Town Water and Sewer Department should be contacted for current water and utility fee rates set by resolution of the Town Board.

The Town Board shall review the rate per thousand and utility fee for water and sewer customers and water only customers on an annual basis and determine whether or not the rates shall be adjusted. Said rates shall be revised and set by resolution of the Town Board from time to time.

The minimum charge per quarter, or portion thereof, for the use of water on any premises in the Town shall be \$10 for each meter servicing said premises based upon the use of 8,000 gallons or less.

- (2) Construction or temporary water service. The charge for water usage pursuant to a construction or temporary water permit shall be the same as the charge for water usage pursuant to a metered water service permit.

II. Section 200-14. Rate schedule for sewer service and connection charges.

§ 200-14 Rate schedule for sewer service and connection charges.

- A. The Town sewer service charge is established at the rate per thousand gallons based on measurement of metered water consumption, metered sewage flow, measured flow volumes or estimated quantities. The Town Board shall review the rates per thousand on an annual basis and determine whether or not the rates shall be adjusted. Said rates shall be set by resolution of the Town Board. The Town Water and Sewer Department should be contacted for current rates set by the Town Board.
- B. Meters used exclusively for firefighting sprinkling systems, or other fire protection purposes, shall not be assessed.
- C. Sewer connection charge.

- (1) A sewer connection charge, except for existing buildings and premises already serviced by public or private sewer systems, shall be assessed for each new unit connected directly or indirectly to the public sewer system. A "unit" for the purposes of this section shall be equivalent to:
 - (a) One living quarter for residential users.
 - (b) Each 90,000 gallons per year water use for each industrial and each commercial user.
- (2) Estimated gallonage shall be determined by the Superintendent and shall be based upon comparable industrial and commercial usage for the type of premises under development. The sewer connection charge shall be in addition to the required building sewer permit.

Appendix A

SEWERS

Appendix A

200 Attachment 1

Town of Niagara

**RATE CHARGES FOR SEWER AND WATER AND SEWER SERVICE CHARGES
PERMIT FEES AND CONNECTION CHARGES**

[Amended 11-5-2007; 11-5-2007; 7-15-2008; 12-16-2008;
6-16-2009; 12-9-2010; 6-21-2011; 11-15-2011]

BUILDING SEWER PERMIT FEES: [Amended 11-18-2014; 4-19-2016; 3-16-2021¹]

Class I (Residential)	\$100
Class II (Commercial)	\$300
Class III (Industrial)	\$500
Class IV (Repair/Modification)	\$50
Extension permit (underslab/lateral)	\$150
Sewer main extension	\$180

SEWER SERVICE RATES AND CHARGES:

Multiple units will be charged at a rate of 8,000 gallons per unit.

The Water and Sewer Department should be contacted for the current schedule of water and sewer rates adopted by resolution of the Town of Niagara Town Board.

Meter/utility fee: Every user will be assessed a quarterly meter/utility fee to be set by the Town Board which will offset any current budgetary shortfalls and allow for the replacement of water meters and infrastructure improvements as needed.

SEWER CONNECTION CHARGE: [Amended 11-18-2014; 4-19-2016; 3-16-2021]

First unit	\$1,500
Each additional unit	
Class I Residential	\$100
Class II Commercial	\$150

¹ **Editor's Note: This ordinance also provided it take effect 1-1-2012.**

	Class III Industrial	\$250
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SERVICE CHARGE: [Amended 11-18-2014; 4-19-2016; 1-3-2018; 3-16-2021]

For checks returned due to insufficient funds	\$35
Sewer compliance, water compliance and water compliance letter or report (per unit)	\$50 each
Additional inspections/notifications if problem/violation not corrected in first two inspections	\$25
Sewer demolition cut and cap permit	\$100