

## **TOWN OF NEWFANE TOWN BOARD WORK SESSION 9-12-2023**

The Town of Newfane Town Board Work Session was held in the Town Hall, 2737 Main Street, Newfane, NY. The Session was called to order by Supervisor Syracuse at 5:00 p.m.

The following Board Members were present:

Supervisor Syracuse, Councilwoman Rutland, Councilman Coleman, Councilwoman Neidlinger and Councilman Barnes

Others Present:

Town Attorney James Sansone, Michael Klock, Code Enforcement Officer/Building Inspector, Jeffrey Newman, Dog Control Officer and 18 individuals.

The supervisor welcomed everyone to the Work Session and started the meeting by offering information regarding two grants the Town is presently working on. DRI which is the Downtown Revitalization Initiative – Round 7 and the NYF which is the NY Forward: Round 2. The Supervisor is excited as he feels we have a pretty good chance of qualifying and obtaining grant funds for some upgrading projects to help our Town. The Supervisor explained that one of the conditions requires a show of Investors who are willing to put forth their own funds, and, as such, invited three individuals to speak about the projects they are working on. The Supervisor offered Loran Bommer to come forward and introduce himself and tell the Board and Community about his project and his hopes for the future. Loran thanked the Board for the opportunity to share with the community and stated he is the person that purchased the property on Route 18 which was formerly a restaurant, gas station, convenient mart and motel just past Route 78. He purchased the property with an existing RV Park and had visions of expanding the use of the property to offer more services to the community. Loran did his research and found there is a definite need for a gas station at that location. His attempts to obtain financing were failing as New York State is no longer a “gas friendly” State. Loran reached out to investors and contractors and was able to get a plan together and get that gas station built and operating. He has the convenient mart up and running and is so appreciative of the support he has received from the municipality and community. He is working on expanding the parking lot lighting which is needed. Loran explained that, unfortunately, the infrastructure is outdated, and it is impossible to expand with what is there now. The transformer units for the RV park are running over capacity and has been told by National Grid it would be anywhere between Three Hundred Thousand and Four Hundred and Fifty Thousand Dollars for new Transformers and new primary services run. Loran indicated that he already has over one million dollars into the gas station. After 20 plus years of being closed, Mr. Bommer indicated that he finally got the restaurant up and running. He feels that at the moment his biggest hurdle is the lack of sufficient electric power to support his operations. Loran thanked the Board for their time and will continue to work on expanding his operations.

The Supervisor invited Ann McDonough to come forward and speak about the investments that she and her brother are attempting to complete on their properties. Ann thanked the Board for inviting her to speak and the property they are working on is the Time Out II which was built in 1984 and is in need of major rehab. Anne advised the Board that they recently had several new pylons installed and they are currently working on replacing all of the docks. This would be approximately 74 spaces including new electric, new gangways, new stairs, a new deck for the

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restaurant/bar area. We do have a long-term renter that wishes to Lease for ten to fifteen years and who would be investing some of their own money as well. We need sheet piling to help stabilize the bank, we need to update the electrical service, and we would like to explore some green energy opportunities such as solar and electrical charging stations for vehicles. We would also like to rehab another building to offer bathroom/shower facilities and storage for patrons. Ann indicated that she is very much enjoying seeing all the improvements and having everything start to look very nice. She would like to do her part in helping with the effort to bring beauty back to Olcott. The Supervisor thanked Ann for coming in to speak with the Board.

The Supervisor invited David Hedley to speak to the Board. David started with a quick overview stating that he has taken over his family's 100 year old business. The infrastructure was totally shot. David put in all new power, plumbing, electric, docks, piling, which is over two million dollars already. His concern right now is that the property is not sustaining itself at the present time. He has a lot of empty docks and WSP, the Engineering Firm that designed the break wall, stated that we should not have over one foot waves coming in. When we get northeast winds, we have had two and three foot waves in the harbor. He invested another hundred thousand dollars in more piling to tie the boats in all four corners which will help but it's still rough in that harbor. David said he would like to start renting those docks out. He needs to start making money to support what he has before he invests another six million into another project. The Supervisor asked David if he were to be included as an investor in the grant project would that be enough of a help for him to continue moving forward. David indicated that any help would be greatly appreciated. The Supervisor thanked David for speaking to the Board and told the Board that these were the three investor projects that he felt would qualify pursuant to the requirements required to be submitted in the Grant Application.

The Supervisor offered Mike Klock, Building Inspector/Code Enforcement Officer, an opportunity to speak. Mike advised the Board that he will be resigning his position at the Town. He stated that when Doug was retiring it was believed the position could be done on a part time basis. Since that time Mike has faced many challenges, not only here at the Town but also in his personal life. Mike is proud of the things that were able to be accomplished and has greatly appreciated the support from everyone, the Supervisor, the Board, the Attorney as well as the Newfane Town Staff. Mike indicated that he spoke with the Supervisor of the need for the position to be made full time to fulfill the needs of our residents. Mike advised that he would stay on to help at least to the end of the year in any way he can but feels that someone should be here during the day to assist and be able to be more hands on with our residents, work with the staff, the Department Heads and put the hours in that it deserves. The Supervisor advised the Board that he spoke with Civil Service and recommends the position be turned back to a full-time position. There is an active Civil Service List out now that does have an individual from Newfane who has passed the test and is well qualified for it. David Schmidt is here tonight and has expressed an interest in accepting this position. The Supervisor asked the Board to consider David for the position of Building Inspector/Code Enforcement Officer on a full-time basis at a starting salary of Fifty Thousand Dollars per year. If David would opt to take the Health Insurance, it would be pursuant to our Work Rules. The Supervisor told the Board that David was present in the room, and perhaps the first thing he should do is ask David if he is still interested in the position to which David stated he absolutely was. The Supervisor asked David

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to come forward to speak with the Board. The Supervisor advised the board that he is looking forward to a smooth transition as Mike will assist David with the duties of the job and David will have the time to become familiar with all aspects of the job. David spoke to the Board stating that he is interested in the position and looking forward to working with and learning from Mike, who he respects and is very knowledgeable. Supervisor stated that David will also be responsible for writing Reports and will be working with the Planning Board, Zoning Board, Fire Board and Town Board. This will include Court appearances speaking with our Town Justices on our Zoning Codes and also working with our Town Attorney. Councilman Rutland asked when the Civil Service List was created. The Supervisor indicated he believes in 2021 with an expiration of the year 2026. Councilwoman asked if they would be offering the test again prior to 2026. Mike Klock explained that they would offer the test prior to that date if the list was exhausted. At this time David is on and is a Newfane Resident, the other individual does not reside here. It's possible it could be offered again next year; however, it takes several months to receive the results and then the individual needs to meet the State Certification Requirements which includes 144 hours of training. The training is now conducted virtually and takes approximately six months to complete between classes and testing. David wanted the Board to know that he has already purchased the Books and begun studying for the upcoming classes and is also studying our Zoning Codes and Local Laws. The Supervisor said that he feels we have always had good Local Laws but the implementation of them has been lacking. He feels that our residents deserve to have the necessary representation when it is needed. Councilman Coleman made a Motion to hire David full time with a starting salary of fifty thousand dollars beginning on October 1<sup>st</sup> and also keeping Mike to cover as an overseer for as long as we may need him, second by Supervisor Syracuse. Councilwoman Neidlinger asked for a Motion to enter Executive Session. Supervisor Syracuse offered a Motion to enter Executive Session for discussion of a personnel matter, no action will be taken. Second by Councilman Barnes, all were in favor, the Motion was carried.

Motion Carried

The Board entered Executive Session at 5:52 p.m.

Motion to Reconvene made by Councilwoman Neidlinger, second by Councilman Barnes at 6:33 p.m., all were in favor.

Motion Carried

Supervisor Syracuse stated that there was a Motion on the table to hire David Schmitt full time Building Inspector/Code Enforcement Officer effective October 1<sup>st</sup>, subject to the work rules of the Town of Newfane, at a starting salary of Fifty Thousand Dollars made by Councilman Coleman and second by the Supervisor. The supervisor asked if there was any further discussion on that Motion. No discussion was had, and the Supervisor asked all in favor to signify by saying Aye, all stated an Aye vote, hearing no one opposed the Motion was carried.

Motion Carried

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Councilman Coleman was excused from the balance of the meeting to attend the Town of Newfane Fire Board Meeting.

The Supervisor indicated the next item is Resolution No. 40-2023 which was pulled at the last meeting to be certain that we received the Negative Declaration. The Supervisor made a Motion to move the Resolution forward. Motion made by Councilwoman Rutland, second by Councilwoman Neidlinger on the question. The Supervisor asked Mr. Metzger if there was anything he wanted to speak to regarding the Resolution. Mr. Metzger was very appreciative of the cooperation that he received from the Town helping with the many steps that were taken to get the Project approved. The Niagara County Planning Board also gave us the go ahead with the project. The Supervisor asked the Board if there were any questions. Hearing none, all in favor say Aye, all were in favor, no one was opposed. The Motion was carried.

Motion Carried

An error was found in the Title of Resolution 40-2023 approved above. Attorney Sansone provided language to correct the Title. A Motion was made by Councilman Barnes, second by Councilwoman Rutland to approve the Resolution with the amendment to the Title. All were in favor, no one was opposed. The Motion was carried. (attached is a copy of the amended final Resolution). A roll call vote was requested by Attorney Sansone.

Councilman Barnes: Aye  
Councilwoman Rutland: Aye  
Councilwoman Neidlinger: Aye  
Supervisor Syracuse: Aye

Motion Carried

The Supervisor moved along to Resolution No. 41-2023, Resolution Authorizing the Passing of Local Law # \_\_\_\_\_, 2023, Amending Section 184 of the Town Code of the Town of Newfane. The supervisor stated that a Public Hearing was held last month regarding property maintenance. We listened to several residents speak and we haven't had any calls to the Town Hall as of this date. The Supervisor entertained a Motion to authorize the passing of that Local Law. Motion moved by Councilwoman Neidlinger, second by Councilwoman on the question. There were no questions and the Supervisor asked for a Roll Call Vote. (copy of the Resolution is attached)

Councilman Barnes: Aye  
Councilwoman Rutland: Aye  
Councilwoman Neidlinger: Aye  
Supervisor Syracuse: Aye

Motion Carried

The Supervisor moved along to Resolution No. 42-2023, a Resolution Authorizing the Passing of Local Law # \_\_\_\_\_, 2023, Amending the Zoning Map of the Town of Newfane to Rezone Premises known as 6520 Ridge Road in the Town of Newfane, NY, from Mobile Home Park

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District (MHP) to Multi-Family Residential District (R-2) under the Town of Newfane Zoning Ordinance. The supervisor entertained a Motion for that. Motion made by Councilman Barnes,

second by Councilwoman Neidlinger on the question. Hearing no questions, the Supervisor asked for a Roll Call Vote. (copy of the Resolution is attached)

Councilman Barnes: Aye  
Councilwoman Rutland: Aye  
Councilwoman Neidlinger: Aye  
Supervisor Syracuse: Aye

Motion Carried

The Supervisor indicated to the Board that the Attorney would like a Roll Call Vote taken on the Motion to the hiring of David Schmitt with a starting salary of Fifty Thousand Dollars. The Roll Call Vote was taken.

Councilman Barnes: Aye  
Councilwoman Rutland: Aye  
Councilwoman Neidlinger: Aye  
Supervisor Syracuse: Aye

Motion Carried

The Supervisor asked Mike Klock, Building Inspector/Code Enforcement Officer to speak to the progress on the Short Term Rentals. Mike supplied a little background on how the Short Term Rentals came about. This included fees charged by the Niagara County Health Department for inspection fees. When the local law was passed the Health Department was not going to be doing the inspections, that was falling upon the municipality. Since that time, the Health Department has changed their procedure policy and will once again conduct inspections. Mike told the Board that Owners will need to have the local inspection as well as the County inspection before they will be able to operate. Mike indicated that he has the forms in his office for people to fill out so they can schedule their inspections with the County the same time they are scheduling with the Town. Mike advised the Board that it is important to remember that, while business expansion is a good thing for the Town, Owners need to share those ideas with the Building Inspector/Code Enforcement Officer to be certain that what they want to do does not fall under a Town Code Violation. There may be ways to help business owners work through solutions, the Tiny Home Project is a perfect example, to have a positive outcome that's beneficial for both the Owner and our Town Residents.

The Supervisor spoke about the progress of the Town Constable position which was discussed at prior Work Sessions. He advised the Board that the Town Attorney had prepared a proposed Law and that he met with the Sheriff to talk about what the Town was thinking about doing. He explained to the Sheriff that the Town of Newfane is not looking to be Law Enforcement, however, looking to implement a way to handle the residents' concerns and act in a safe way. The Sheriff was very helpful and offered good advice. Attorney Sansone offered the Board an explanation of what a Constable can do under the law. This would require the same manner of

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training a Police Officer status would require under the law to carry a firearm. The Peace officer Title requires pretty much the same training as the Constable. The Attorney gave an overview of what he perceived would be the needs of our Town that would require a Constable/Peace Officer, and stated that our Town Ordinance can outline what the scope of those duties would be. The Supervisor indicated that they are still researching the scope of this position and stated that the purpose is not to turn us into a Police Community, rather, serve the needs of the residents and keep the peace. The next thing the Supervisor wanted to discuss with the Board is the beach. The biggest issue we have had is staffing. The Supervisor advised that he has placed a call in to Assemblyman Mike Norris to see if there is a way to allow our Beach to remain open but unsupervised. We will continue to follow up.

The Supervisor invited anyone who wished to speak to please feel free to do so and just asked them to follow the proper protocol which he read. Karen Young asked if the Short Term Rental process would be slowed down by the Town and the County having to both conduct inspections prior to their approval to operate. Mike Klock responded that it should not. Dan Paul from Exchange Street expressed his displeasure to the idea of having Constables/Peace Officers in the Town of Newfane. Larry Dormer from Exchange Street expressed displeasure at the idea of having Constables/Peace Officers in the Town of Newfane. Ann Callaghan asked if the Dog Control Officers were already Peace Officers. Jeff Newman answered yes. The Supervisor advised the audience that this is a work in progress and there will be more conversation in the future. In addition, there would be a Public Hearing on the matter which the public would be invited to speak at and express their opinions.

There were no further questions from the audience. The Supervisor entertained a Motion to adjourn the meeting. Motion made by Councilwoman Rutland, second by Councilwoman Neidlinger on the question. All were in favor, no one was opposed.

Motion Carried

Meeting adjourned at 7:30 p.m.

The next Work Session was not scheduled at this time.

Respectfully submitted,



Donna M. Lakes  
Deputy Town Clerk

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## TOWN OF NEWFANE

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TDD I-800-662-1220

### RESOLUTION NO. 40- 2023

#### RESOLUTION ISSUING A NEGATIVE DECLARATION FOR WRIGHT'S COUNTRY COTTAGES, KNOWN AS 6520 RIDGE ROAD IN THE TOWN OF NEWFANE, NY.

**WHEREAS**, premises, 6520 Ridge Road, Lockport,(Town of Newfane) NY, has been used as a Mobile Home Park for many years and has been and is currently zoned Mobile Home Park District (MHP), under the Zoning Map of the Town of Newfane, dated July 1999, and updated June 2016, and,

**WHEREAS**, it is not economically feasible to replace said mobile home units with new units, because current building codes require larger mobile home units, which would not fit into the footprint of the current mobile home units in the mobile home park, and

**WHEREAS**, the owner of the mobile home park has presented a plan to the Town of Newfane for redevelopment of the existing Mobile Home Park with the construction of new, modern pre-manufactured homes, for a total of 20 individual dwelling units, which will not be Mobile Homes, and will replace of the current mobile homes on the property, and

**WHEREAS**, the Town of Newfane is desirous of rezoning the aforesaid premises to Multi-Family Residential District (R-2), to allow the development of the proposed plan, and

**WHEREAS**, this rezoning and subsequent redevelopment is an unlisted action under SEQR and the Town has received a FEAF from the Applicant, and

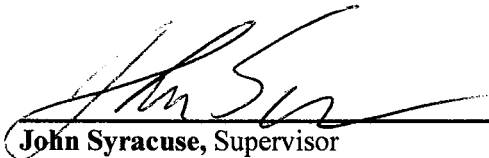
**WHEREAS**, with such rezoning, the premises would be in conformance with the residential and commercial character of the area surrounding the premises, which is zoned Residential (R-2) on the east side of premises, and Highway Commercial (HC) on the west side of premises, upon which is located an automobile dealership, and

**WHEREAS**, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Town of Newfane has reviewed part 1 of the EAF and has completed part 2 and 3 of the FEAF and reviewed the criteria for determining significance in accordance with Section 617.7.


**NOW THEREFORE, BE IT FURTHER RESOLVED THAT**, the Newfane Town Board, in accordance with the State Environmental Quality Review Act (SEQRA), has determined that the proposed rezoning will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and therefore issues a SEQR Negative Declaration in accordance with Section 617.7 of the SEQR regulations, and

**BE IT FINALLY RESOLVED THAT**, the Supervisor is authorized to sign the Environmental Assessment Form (EAF), which will act as the Negative Declaration.

DATED: SEPTEMBER 12, 2023

  
\_\_\_\_\_  
**John Syracuse**, Supervisor

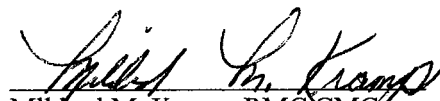
*ABSENT*  
\_\_\_\_\_  
**Richard Coleman**, Councilman

  
\_\_\_\_\_  
**Laura Rutland**, Councilman

  
\_\_\_\_\_  
**Susan Neidlinger**, Councilman

  
\_\_\_\_\_  
**Troy Barnes**, Councilman

I hereby CERTIFY that the above is a true, accurate and complete copy of a resolution passed by the Newfane Town Board, September 12, 2023.

  
\_\_\_\_\_  
Mildred M. Kramp, RMC, EMC  
Town Clerk  
Town of Newfane, NY



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### RESOLUTION NO. 41 - 2023

#### RESOLUTION AUTHORIZING THE PASSING OF LOCAL LAW # \_\_\_\_\_, 2023, AMENDING SECTION 184 THE TOWN CODE OF THE TOWN OF NEWFANE

**WHEREAS**, the above referenced amendment changes the notice requirement in Section 184-3 of said Code, from publication in the official Town newspaper within 15 days, to make an inspection, by the Superintendent of Highways of any premises in the Town for weeds, overgrown grass and other vegetation, to make an inspection by the Superintendent of Highways, after notification by certified mail within 7 days to the land owner,

**WHEREAS**, said amendment authorizes the Superintendent to designate other parties to make this inspection, and

**WHEREAS**, said amendment changes the fees to be charged to a minimum of \$150.00, increased from \$50.00 in cost to the owner, plus a \$100.00 surcharge, changed from a 20 per cent surcharge for an administration fee, and

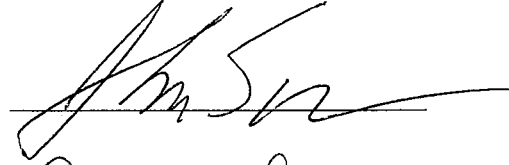
**WHEREAS**, this matter was referred to the Niagara County Planning Board, which unanimously approved this amendment, and

**NOW THEREFORE, BE IT RESOLVED THAT**

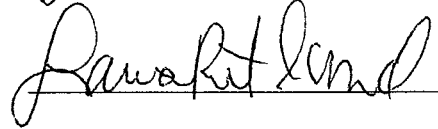
**THE TOWN OF NEWFANE IS HEREBY AUTHORIZED TO PASS LOCAL LAW NO. \_\_\_\_\_, 2023, AMENDING SECTION 184 THE TOWN CODE OF THE TOWN OF NEWFANE, AS INDICATED ABOVE.**

**DATED: SEPTEMBER 12, 2023**

**John Syracuse, Supervisor**



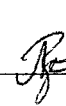
**Laura Rutland, Councilwoman**



**Sue Neidlinger, Councilwoman**



**Richard Coleman, Councilman**

ABSENT 

**Troy Barnes, Councilman**

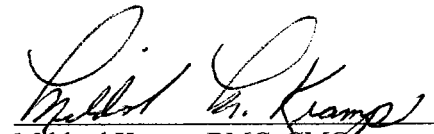


DATED: September 12, 2023

CERTIFICATE OF CLERK

STATE OF NEW YORK  
COUNTY OF NIAGARA  
TOWN OF NEWFANE

SEAL

  
Mildred Kramp, RMC, CMC  
Town Clerk Town of Newfane

SUPERVISOR  
716-778-8531

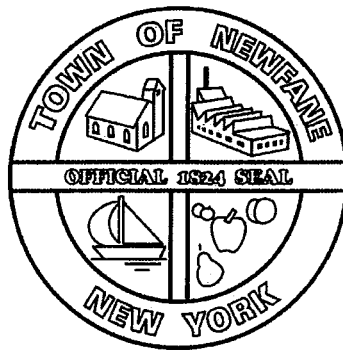
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### RESOLUTION NO. 42- 2023

**RESOLUTION AUTHORIZING THE PASSING OF LOCAL LAW # \_\_-2023,  
AMENDING THE ZONING MAP OF THE TOWN OF NEWFANE TO REZONE PREMISES  
KNOWN AS 6520 RIDGE ROAD IN THE TOWN OF NEWFANE, NY  
FROM MOBILE HOME PARK DISTRICT (MHP), TO MULTI-FAMILY RESIDENTIAL DISTRICT  
(R-2) UNDER THE UNDER THE TOWN OF NEWFANE ZONING ORDINANCE**

**WHEREAS**, premises, 6520 Ridge Road, Lockport, (Town of Newfane) NY, has been used as a Mobile Home Park for many years and has been and is currently zoned Mobile Home Park District (MHP), under the Zoning Map of the Town of Newfane, dated July 1999, and updated June 2016, and,

**WHEREAS**, the existing rental Mobile Home units in said Mobile Home Park are extremely old, in disrepair and need replacing, and

**WHEREAS**, it is not economically feasible to replace said mobile home units with new units, because current building codes require larger mobile home units, which would not fit into the footprint of the current mobile home units in the mobile home park, and

**WHEREAS**, the owner of the mobile home park has presented a plan to the Town of Newfane for redevelopment of the existing Mobile Home Park with the construction of new, modern pre-manufactured homes, for a total of 20 individual dwelling units, which will not be Mobile Homes, and will replace of the current mobile homes on the property, and

**WHEREAS**, said redevelopment plan will not comply with the current zoning designation of Mobile Home Park under the Town of Newfane Zoning Ordinance, since they will not be mobile homes, and

**WHEREAS**, the Town of Newfane is desirous of rezoning the aforesaid premises to Multi-Family Residential District (R-2), to allow the development of the proposed plan, and

**WHEREAS**, with such rezoning, the premises would be in conformance with the residential and commercial character of the area surrounding the premises, which is zoned Residential (R-2) on the east side of premises, and Highway Commercial (HC) on the west side of premises, upon which is located an automobile dealership, and

**WHEREAS**, rezoning will also be in furtherance of the comprehensive master plan of the Town of Newfane, would not cause harm to the surrounding properties, and would serve the general welfare of the Town, and

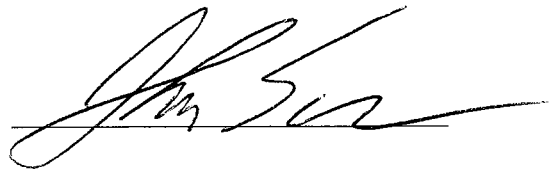
**WHEREAS**, an evaluation of the environmental impacts of rezoning of the premises herein was conducted, pursuant to the New York State Environmental Quality Review Act (SEQR), which resulted in a Negative Declaration being issued by the Lead Agency, and

**WHEREAS**, this matter was referred to the Niagara County Planning Board, which unanimously approved this rezoning matter,

**NOW THEREFORE, BE IT RESOLVED THAT**

The Town of Newfane is hereby authorized to pass Local Law No. \_\_\_\_\_, 2023, amending the Zoning Map of the Town of Newfane to rezone premises known as 6520 Ridge Road in the Town of Newfane, NY from Mobile Home Park district (MHP), to Multi-Family Residential District (R-2).

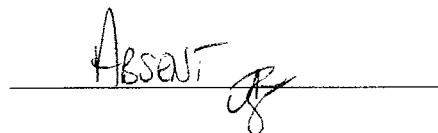
**John Syracuse**, Supervisor



**Troy Barnes**, Councilman



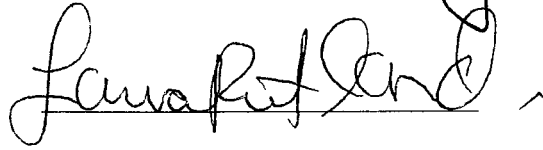
**Richard Coleman**, Councilman



**Sue Neidlinger, Councilwoman**



**Laura Rutland, Councilwoman**

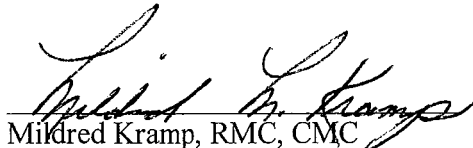


DATED: September 12, 2023

CERTIFICATE OF CLERK

STATE OF NEW YORK  
COUNTY OF NIAGARA  
TOWN OF NEWFANE

SEAL



Mildred Kramp, RMC, CMC  
Town Clerk Town of Newfane