

Council Chambers  
Tonawanda, New York  
November 1, 2016

A Regular Meeting of the Common Council

Present: Council President Koch  
Present Councilmembers: Gilbert, Rautenstrauch, Toth  
Excused Councilmember: Smilinich

Pledge of Allegiance and Silent Prayer led by Council President Koch

**Public Hearing for Local Law #1 - 2016**

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal law Article 2, Sec. 3-c  
No comments by the Public

**COMMUNICATIONS FROM THE MAYOR**

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:  
Traffic and Safety Board October Minutes  
October Report of the City Clerk  
City Treasurer 2016 Overtime Year to Date Report through 10/20/16  
Notice of Public Hearing for Variance Request for 121 Adam St on Nov 28, 2016

Referred to the Committee of the Whole  
Ordered filed

Council President Koch- We did receive a letter dated October 31. I would like to turn the microphone over to the Clerk to have it read.

City Clerk Syposs- To Council President Koch and Councilmembers from Jack Gallagher regarding 618 Delaware Street. After reviewing the resolution pertaining to the rezoning of 618 Delaware Street, I don't see any stipulations that the Council could have imposed on the developer prior to the adoption at tonight's meeting. The rezoning of a large portion of the residential parcel to commercial will have a huge impact on our neighborhood. That being said, I would hope that the Council will consider adequate buffers that will minimize the impact. I understand that Ellicott Development has agreed to fencing on the south and west property lines. I would hope that the same would be done for the south property line (Tussing Lane) also, along with the placement of berms and mature trees on the 10 foot setback. Thanks in advance for your consideration. Our neighborhood deserves your attention.  
Sincerely, Jack

**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

No comments by the Public on the resolutions

The Tonawanda Common Council, in an effort to conduct business in a timely fashion and maintain an open line of communication with the public, welcomes comments on resolutions and other City business.

- Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.
- All questions and/or comments should be addressed to the President of the Common Council.
- Please state your name and address clearly for inclusion in the Common Council minutes. In the event any person wishes a response outside the confines of the Common Council meeting, please leave all necessary contact information with the City Clerk after the meeting.
- Persons may address the Common Council during (2) separate sessions of the meeting for a total of 30 minutes per session. Once prior to the resolutions and also after the resolutions prior to Common Council comments.

- Individuals may speak a total of (3) minutes per speaker per session. The President of the Common Council will adhere to this (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.
- The President of the Common Council reserves the Council's right to limit or expand upon these limits as he/she may deem necessary and prudent.
- Usage of cell phones other than for emergency is prohibited during all Council Sessions.

**MOTIONS AND RESOLUTIONS**

249. By Council seconded by Council

Resolved, that the Common Council minutes from October 18, 2016, be accepted as filed.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

250. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

Resolved, that the readings of the resolutions be waived.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

251. By Councilmember Toth seconded by Councilmember Gilbert

Be it Resolved that Mayor Rick Davis be authorized and directed to sign and submit applications for the projects noted below, and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG:

1. Sanitary Sewer Lining ó Dodge, Moyle, and Wheeler
2. Sanitary Sewer Lining ó Prospect, Evelyn, and Gibson

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

252. By Councilmember Gilbert seconded by Councilmember Koch

Be it resolved that Mayor Rick Davis be authorized to sign the renewal agreement with the NYS Court System for Court Cleaning and Minor Repairs per Contract on file in the City Clerks Office.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

253. By Council seconded by Council

**WHEREAS**, the Common Council has received a proposal for the redevelopment of 618 Delaware Street from 9274 Group, Inc./Ellicott Development; and

**WHEREAS**, the proposal calls for a mixed use development involving two buildings and including residential and commercial/retail uses; and

**WHEREAS**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Common Council adopted a resolution on July 26, 2016 declaring its intent to act as Lead Agency for the Proposed Action; and

**WHEREAS**, the Common Council retained the services of the professional planning and engineering firm of Clark Patterson Lee to prepare the SEQR, which was completed on October 28, 2016.

**NOW THEREFORE BE IT RESOLVED** that based upon examination of the Short Environmental Assessment Form (SEAF), its own independent analysis of the Proposed Action, and comparison with the criteria for determining significance under 6 NYCRR 617.7, the Common Council finds that the Proposed Action will not have a significant environmental impact and hereby issues a Negative Declaration; and

**BE IT FURTHER RESOLVED** that this determination is based on the facts and conclusions as noted in the Short Environmental Assessment Form (SEAF).

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

254. By Council

seconded by Council

**WHEREAS**, 9274 Group, Inc./Ellicott Development has filed a Petition with the City Clerk on August 9, 2016 to amend the Zoning District Map regarding a certain parcel of land located at 618 Delaware Street; and

**WHEREAS**, said Petition was submitted to the Common Council for its consideration; and

**WHEREAS**, the Petition requests the rezoning of a portion of the premises from zoning classification R-2 General Residential District to zoning classification C-1A Neighborhood Shopping District and rezoning of a portion of the premises from zoning classification C-1 Neighborhood Shopping District to zoning classification C-1A Neighborhood Shopping District.

**WHEREAS**, the Common Council requested the Planning and Zoning Board to review the Petition and make a recommendation; and

**WHEREAS**, the Board has recommended that this Common Council approve the request to rezone to zoning classification C-1A Neighborhood Shopping District; and

**WHEREAS**, the Common Council conducted a Public Hearing on September 7, 2016 regarding the same; and

**WHEREAS**, the Common Council, pursuant to New York State General Municipal Law Section 239(m), referred the proposed rezoning request matter to the Erie County Division of Planning for its review and recommendation; and

**WHEREAS**, the Erie County Division of Planning responded by indicating that the proposed action has been reviewed and determined to be of local concern and therefore makes no recommendation; and

**WHEREAS**, a SEQR has been completed and a determination was made that the proposed action will not result in any significant adverse environmental impacts;

**NOW, THEREFORE,**

**BE IT RESOLVED** that a portion of the premises located at 618 Delaware Street be rezoned from classification R-2 General Residential District to zoning classification C-1A Neighborhood Shopping District and a portion of the premises be rezoned from zoning classification C-1 Neighborhood Shopping District to zoning classification C-1A Neighborhood Shopping District, in accordance with the dimensions set forth in the KHEOPS ó Architecture, Engineering & Survey, DPC ó Boundary and Topographic Survey dated September 8, 2014, which is incorporated by reference and a copy of which is on file with the City Clerk; and



the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

This Local Law shall take effect immediately upon filing with the Secretary of State.

was enacted by a resolution of this body on October 18, 2016; and

WHEREAS, Mayor Rick Davis has this evening held a public hearing concerning said legislation;

NOW, THEREFORE, BE IT RESOLVED, that should the Mayor approve said legislation as is required by law, the City Clerk is directed to notify New York Secretary of State of its enactment and approval.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

### **COMMENTS BY THE PUBLIC AFTER RESOLUTIONS**

No comments by the Public after the resolutions

### **COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Rautenstrauch- I do want to say thank you again to Captain Foels and Chief Strassburg for helping out with the park on Halloween. We hope to continue to do that in years to come, thank you.

Councilmember Toth- I have nothing Madame President.

Councilmember Gilbert- I just want to thank the Police Department as well for their efforts on Halloween. I just want to thank Mr. Rautenstrauch for having every kid in the City of Tonawanda in his neighborhood. It seems like I only had twenty kids in my neighborhood the whole entire night so thank you for taking every kid in the City Mr. Rautenstrauch.

Mayor Rick Davis- Thank you Madame President. On October 20, I was part of a conglomerate of mayors along with Mayor Brown, Mayor McCaffrey, and Mayor Dyster where we announced a functional zero end to homeless veterans here in Western New York. Something that I was very honored to be a part of and also being a veteran out of all the elected officials standing up there for that event. On the heels of that, I received an invitation to the White House on November 14 for an event dealing with veteran homelessness. I will be representing the City of Tonawanda proudly at the White House. Lindsay's Legacy on November 12 from 9:00A.M. to 1:00P.M. The after party is probably going to go on a little bit afterwards. So come on down and show your support. Also, that same day is VBA's remembering Vietnam Helicopter ceremony. Please come on out for that. It is from 1:00P.M. to 2:00P.M. Now that they have officially retired, I would like to extend my sincere thanks and gratitude to Assistant Chief Young and Captain Hassett and wish them good luck and Godspeed on their retirement.

Council President Koch- As the Mayor mentioned Lindsay's Legacy Run is November 12. I was very fortunate to know Lindsay, so please come on out and support this great cause. I would also like to thank all the community who supported the Food Drive. Just to remind everybody that you do have through November 19. Tops is donating 110 turkeys to the VBA Food Pantry and St. Francis Food Pantry and we will be picking those up on Saturday the 12<sup>th</sup> as well. As a reminder the dedication ceremony is Saturday the 12<sup>th</sup> at 1:00P.M. Certainly come out and see this. You know I am certainly glad to see that we are moving forward on 618 Delaware and I am confident that Mr. Palladino will listen to the neighbors concerns and will continue to listen to the neighbors concerns and will continue to work with the neighbors moving forward. We will be meeting in the Caucus Room and we will adjourn at that time so I know the agenda said the 15<sup>th</sup>.

**ADJOURNMENT**

256. By Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_  
Resolved, that this Common Council adjourn until November 15, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch  
Nays: None

Resolution declared adopted

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date Filed