

City of North Tonawanda

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COMMON COUNCIL WORKSHOP AGENDA

May 9, 2024

The following meeting has been scheduled for **TUESDAY, MAY 14, 2024:**

6:00 PM PUBLIC HEARING – To Discuss the Community Development Block Grant Program

6:15 PM PUBLIC HEARING – The Restore NY Communities Initiative Grant for 235 River Road

**6:30 PM Laura Wilson
Dir. Community Development**

Re: Restore NY – Communities Initiative

– **Common Council**

Re: Solar Energy System Regulations

– **Deborah Gondek**

Re: Digihost Discussion

– **Common Council**

Re: General Discussion

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**



City of North Tonawanda

Department of Community Development
500 Wheatfield Street
North Tonawanda, New York 14120
Telephone: (716) 695-8580

May 6th, 2024

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

Re: Restore NY Communities Initiative- Round 8

Dear Honorable Body:

Empire State Development recently announced Round 8 of the Restore NY Communities Initiative grant with the purpose of *“providing municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures.”*

Municipalities may apply for up to \$2 Million and eligible projects must *“demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties.”* Successful applications should demonstrate as many of the following as possible: project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistent with community redevelopment plan, ability to induce commercial investment, and clearly identified need.

Given the criteria noted above, with a particular emphasis from Empire State Development on project feasibility and project readiness, the Department of Community Development believes that the 235 River Road Mixed-use redevelopment project, led by 235 River Rd. LLC/Alliance Homes would make a strong application.

235 River Road (and 190 Main Street) is currently a 3.1 acre blighted property along a key gateway point connecting Downtown to the Niagara River waterfront. Redevelopment of this property has been identified as a key revitalization opportunity in the NT Momentum Plan.

With assistance from the Restore NY program, this would aid in the demolition and reconstruction of the property to include a mixed-use and commercial development project consisting of a four-story building with 40 market rate apartments, and a four story/one story

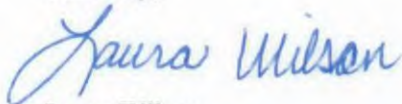
building with 32 apartments, 9,400 SF of commercial space, clubhouse/amenity space, 166 parking spaces, landscaping, lighting and utility improvements.

The Department of Community Development held a required public hearing for this application on May 14th, 2024 and has met the requirements for publishing the Property Assessment List in the Niagara Gazette.

I kindly request your authorization for the attached Municipal Resolution, and for the Mayor to sign and submit a grant application for approximately \$2,000,000 to Empire State Development under the Round 8- Restore NY Communities Initiative, which is due on May 22nd, 2024.

I appreciate your consideration in this matter.

Sincerely,



Laura Wilson
Director of Community Development

Where as, Empire State Development Corporation is accepting applications to Round 8 of the Restore NY Communities Initiative grant with the purpose of providing municipalities with financial assistance for revitalization of commercial and residential properties; and

Where as, municipalities may apply for up to \$2,000,000 and eligible projects must demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties; and

Where as, criteria for successful grant applications include project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistency with community redevelopment plan, ability to induce commercial investment, and clearly identified need; and

Where as, the City of North Tonawanda has identified one property located at 235 River Road which meets the Restore NY Communities Initiative criteria; and

Now, therefore, be it resolved, that the North Tonawanda Common Council finds the 235 River Road Redevelopment project to be consistent with the City's local urban revitalization plans; that the proposed financing is appropriate for the project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances facilities in a manner that will attract, create and sustain housing opportunities; and

Be it further resolved, that the North Tonawanda Common Council hereby authorizes the Mayor to sign and submit a grant application request in an amount of \$2,000,000 to Empire State Development Corporation for the Restore NY Communities Initiative.

CITY OF NORTH TONAWANDA

Office of the Mayor

AUSTIN J. TYLEC

April 29th, 2024

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

Re: Adoption of Solar Energy System Regulations, Chapter XXX-XX (Per E-Code)

Dear Honorable Body,

Attached for consideration is the adoption of a new zoning ordinance, Solar Energy Systems Regulations, which aims to regulate the types of solar installations within the City of North Tonawanda. This ordinance ensures the proper siting of solar energy systems to protect our residential and business areas, preserve the city's beauty and character, promote the efficient use of solar energy resources, and safeguard the health, safety, and welfare of our citizens.

The proposed ordinance includes two tiers of solar energy systems. Tier 1 includes building-integrated photovoltaic systems, while Tier 2 includes ground-mounted solar energy systems. The ordinance specifies that all solar energy systems must comply with applicable building codes, green codes, unified solar permit requirements, and county regulations.

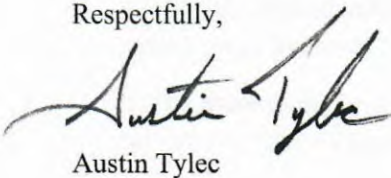
Tier 1 building-integrated systems would be allowed in all zoning districts, while Tier 2 systems are limited to industrial districts, further protecting our residential neighborhoods and other sensitive areas.

By adopting this ordinance, the City of North Tonawanda will be taking a proactive approach to managing solar energy systems within our community. This ordinance strikes a balance between promoting the use of solar energy as an alternative energy source and ensuring that it is done in a way that is compatible with our existing land uses and preserves our city's unique character.

The attached zoning ordinance has been reviewed and improved thanks to our Building Inspector Rob DePaolo as well. Passage of this ordinance will demonstrate our commitment to sustainable energy practices while protecting the interests of our residents and businesses.

Thank you for your time and consideration.

Respectfully,



Austin Tylec

City Hall, 216 Payne Avenue, North Tonawanda, NY 14120 · 716.695.8540
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Adoption of Zoning Ordinance

Chapter XXX-XX Solar Energy Systems Regulations

Definitions.

SOLAR COLLECTOR - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy.

SOLAR ENERGY EQUIPMENT— Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy equipment. A Solar Energy System is classified as a Tier 1 or Tier 2 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

1. BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM (TIER 1) - A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.

B. Tier 2 Solar Energy Systems include the following:

1. Ground-Mounted Solar Energy Systems not included under Tier 1 Solar Energy Systems, intended to generate electricity for use on site or off site.

Applicability.

A. The requirements of this ordinance shall apply to all Solar Energy Systems permitted, installed, or modified in the City after the effective date of this ordinance, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), Niagara County's Solar Panel Recycling Regulations and the City Code.

General permitting requirements.

A. The NYS Unified Solar Permit and Building Permit shall be required for installation of all Tier 1 & Tier 2 Solar Energy Systems.

B. The placement, construction, and major modification of all solar energy systems within the boundaries of the City of North Tonawanda shall be permitted only as follows:

1. Tier 1 systems are permitted in all zoning districts in the city.

2. Tier 2 systems are allowed in the following districts:
 - a. Industrial districts (M-1, M-2, M-3).
3. Tier 2 energy systems shall require site plan approval, before the issuance of a building permit and shall be subject to all provisions of this article where the lot in which the freestanding or ground-mounted solar energy system is situated on.

Preliminary Site Plan Review – Tier 2 Solar Energy Systems.

For Tier 2 solar energy systems, a site plan shall be required. The applicant shall be required to apply for a permit and a site plan review drawn in sufficient detail per the North Tonawanda Building Department.

Final Site Plan Review.

Applicants for a permit to place, construct, and make a major modification to a Tier 2 solar energy system within the boundaries of the City of North Tonawanda may require submission of the following information to the Building Inspector:

1. A completed State Environmental Quality Review Act (SEQRA) short form environmental assessment form (EAF), unless a full form is required by the City's professional engineer or consultant or the City of North Tonawanda Planning Commission, with the City of North Tonawanda Planning Commission designated as lead agency for the SEQRA process.
2. A site plan drawn of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below the ground, on the site and adjacent to the site.
3. Property lot lines and the location and dimensions of all existing & new structures on site.
4. Proposed fencing and/or screening for project.
5. Clearing, grading, stormwater, and erosion control.
6. Glare - All Solar Panels shall have anti-reflective coating(s) and proof of such must be provided with the site plan and then the building permit applications.
7. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed shall be provided with the site plan/permit application. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
8. Any such additional information as may be required by the City.

Application and annual fees.

A. Tier 1 & Tier 2 solar energy systems. An applicant shall pay a permit fee in the amount as set by the Building Inspector to cover the cost of processing and reviewing the application.