

City of North Tonawanda

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COMMON COUNCIL WORKSHOP AGENDA

June 6, 2024

The following meeting has been scheduled for TUESDAY, JUNE 11, 2024:

**6:00 PM PUBLIC HEARING – LOCAL LAW #1 2024 – SOLAR ENERGY
REGULATIONS**

6:15 PM Jesse Gooch

Re: Thursdays on the Water Concerts

- Kathy Paradowski

Re: KAT Colony of Niagara

- Alderman Schmigel

**Re: Commercial Vehicles/Automobile Trailer
Code Changes**

Respectfully submitted,



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

CITY OF NORTH TONAWANDA



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,

A handwritten signature in black ink that reads "Austin Tylec". The signature is written in a cursive style and is positioned above the printed name.

Austin Tylec

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.

Kat Colony of Niagara, Inc

4521 E Lake Rd, Wilson, NY 14172

(716)913-1793 (716)949-5980

May 10, 2024

EIN: 88-3959412

Dear Mayor Tylec, Chief Glass and Donna Braun,

Kat Colony of Niagara, Inc is a nonprofit cat rescue group that serves the Niagara Community in many ways. Our mission is to help the community with the ever-increasing stray cat population by performing TNVR . (Trap, Neuter, Vaccinate and Return). We take pride in providing necessities to pets, like food, medical supplies, and other essential items to help keep them with their owners in their loving homes.

As a nonprofit organization, we rely solely on donations and fundraising to continue our crucial service in helping lost and abandoned animals.

Last year, we rescued over 85 cats from an abandoned warehouse, many of which were sick and some with babies. We have saved moms and babies from under porches, boxes, and trash cans. We also rescued three blind siblings and provided them with the best medical care and ophthalmology.

Many of the rescues we have done come from North Tonawanda. We are always ready to take the call if a stray is found abandoned, injured or sick; as well as assisting North Tonawanda Police with calls concerning cats. I am writing to ask if we can arrange a contract with the City of North Tonawanda to help compensate Kat Colony for the medical costs we incur for these cats who would otherwise remain outside sick, abandoned and alone.

Our rescue is different from many of the others because we do not simply trap, fix and return to the streets. Our fosters take the time to assess the cats for what they need and if they are friendly, we adopt them out. We do not return most back to the neighborhoods.

We are also planning on hosting an event for low cost spay and neuter surgeries for the residents of North Tonawanda at a location in your area.

We would love to have a meeting with the council if needed to discuss this very important assistance we could provide in North Tonawanda.

I took some time to take an average of what one cats costs for the rescue. Costs include transportation, food and liter, medical supplies, surgery, and recovery in foster care which sometimes can take months. On average \$275 per cat is the conservative number. Most of the cats we take are sick or injured or friendly strays and that number could be even higher. A cat with eye removal can cost us between 3- 4k with all the care involved. Doing the math based on just the calls from Rick which were 24 in one year that would be \$6600 based on the \$275. That is not reflective of the residents that reach out to our page or call us. I would say \$10,000 per year and we would have to cap the calls at 40 cats. If we did unlimited calls than \$20,000. This does not include feral cat colonies which can be



From the Desk of
ROBERT D. SCHMIGEL
Alderman, 1st Ward
City of North Tonawanda Common Council

716.418.4574
216 Payne Avenue
North Tonawanda, N.Y. 14120
RSchmigel@northtonawanda.org

June 5, 2024

Donna L. Braun
City Clerk-Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

City Clerk-Treasurer Braun:

Attached are two separate resolutions regarding parking of commercial vehicles and automobile trailers codes. I respectfully request these items be put on the Common Council Workshop Agenda slated for June 11, 2024 for council discussion

Please let me know if you have any questions or concerns.

Sincerely,

Robert D. Schmigel
Alderman, 1st Ward
City of North Tonawanda

Encl: Resolution Regarding Revision of Parking Commercial Vehicles Code
Resolution Regarding Revision of Automobile Trailer or House Car Code

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RESOLUTION REGARDING REVISION OF PARKING COMMERCIAL VEHICLES CODE

Submitted by Alderman Schmigel

WHEREAS, commercial vehicle parking on North Tonawanda city streets is a safety concern to other vehicles, bicyclists, and pedestrians alike; and

WHEREAS, commercial vehicle ordinances and laws need to be revised to allow for the overall safety of all; and

WHEREAS, the current ordinances need to take into account the trends in regards to commercial vehicle parking contributing to the unnecessary blight within North Tonawanda city limits,

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 96 of the North Tonawanda City Code, the Common Council of North Tonawanda does hereby declare the following:

(a) "Commercial vehicle" is defined as a loaded or empty motor vehicle (i.e., panel truck, food truck, moving van, etc.), trailer, or semitrailer designed or regularly used for carrying freight, merchandise, conducting business, or more than ten (10) passengers including buses, but not school buses or licensed official city vehicles.

(b) Parking of a commercial vehicle in residential or apartment zoning districts shall be prohibited, except that:

(1) One commercial vehicle of one ton or less in carrying capacity and which does not exceed seven (7) feet in height or twenty (20) feet in length may be parked on any lot, NOT street, driveway, or alley, where there is located a main building owned or occupied by a resident of the premises;

(2) Commercial vehicles during the conduct of normal business or in the delivery or provision of service to a residential area are allowed;

(3) The parking of semitrailers for commercial or industrial storage is permitted on bona fide construction sites.

(c) Penalties for offenses.

The violation of this law shall be an offense punishable by a fine of \$100 for the first violation, \$250 for the second violation, and \$500 for each violation thereafter and shall constitute a Class 3 misdemeanor. In addition to any penalties or fines imposed hereunder, the code enforcement administrator or his designee may institute legal action to enjoin the continuing violation.

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RESOLUTION REGARDING REVISION OF AUTOMOBILE TRAILER OR HOUSE CAR CODE

Submitted by Alderman Schmigel

WHEREAS, the phrasing of "automobile trailer or house car" is outdated; and

WHEREAS, there have been many changes with regard to recreation and its movable sources; and

WHEREAS, out of concern for the safety of other moving vehicles, bicyclists, and pedestrians, and ensuring safe access on all city streets and alleys,

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 88 of the North Tonawanda City Code, the Common Council of North Tonawanda does hereby declare the following:

(a) "Recreational equipment" is defined as any equipment used for transporting people or property in connection with recreation and designed for temporary occupancy, including, but not limited to, jet skis, boats and similar recreational equipment, trailers, campers, motor homes or similar vehicles, or racing vehicles, off-road vehicles, or the trailer or other device used to haul or move such equipment.

(b) In residentially zoned districts, no such equipment shall be parked or stored on any city street or alley nor closer than three (3) feet to any lot line.

(c) Where the principal use of a building is residential, recreational equipment shall be stored only as a use accessory to a permitted principal use, and subject to the following limitations: (1) Such equipment shall be parked or stored on any lot only within a building or behind every plane of a structure that is substantially parallel to and facing the public right-of-way, and cannot obstruct city sidewalks. (2) On through lots, such equipment may also be parked or stored on the portion of the lot that is clearly and physically the rear of the lot provided that it is a substantially safe distance from any public right-of-way. (3) On corner lots, such equipment may also be parked or stored on the portion of the lot that is clearly and physically the rear of the lot and behind the plane of the house parallel and closest to the public right-of-way.

(d) Where the principal use of the building is commercial, business, or industrial, recreational equipment may be parked or stored as an accessory use, provided the limitations and requirements of the zoning district are met.

(e) Such equipment may be parked entirely within a driveway for a period not to exceed twenty-four (24) hours during loading or unloading. For purposes of this section, the term

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"driveway" shall include any portion of a lot, surfaced or otherwise, that constitutes an approved parking area or provides access to an approved parking area.

(f) No recreational equipment shall be parked in any public street or public right-of-way for more than twenty-four (24) hours, and moving such equipment to another spot on any given street or public right-of-way does not grant an additional twenty-four (24) hour time frame.

(g) No such equipment shall be used for living, sleeping, or housekeeping purposes except in locations lawfully established for such use.

(h) The violation of this law shall be an offense punishable by a fine of \$75 for the first violation, \$150 for the second violation, and \$400 for each violation thereafter. Violations of this section shall constitute a Class 3 misdemeanor after the second offense. In addition to any penalties imposed hereunder, the code enforcement administrator or his designee may institute legal action to enjoin the continuing violation.