

## PLEDGE OF ALLEGIANCE

**Also Present: Mayor Austin J Tylec  
City Attorney Edward Zebulske III**

**AUDIENCE PARTICIPATION – None**

**CARRIED.**

**06-17-2025**

Thank you for your attention to this matter.

Sincerely,  
**Joseph Marranca III**  
 Alderman, 3<sup>rd</sup> Ward

**MOVED by Alderman Lavey**

**SECONDED by Alderman Marranca**

**That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on June 17, 2025, approves the resolution To Enact an Ordinance to Regulate the Usage of Storage Pods & Other Commercial Containers and it reads as follows:**

**WHEREAS**, the Common Council recognizes the growing proliferation of storage pods and similar containers within residential and commercial areas throughout the City of North Tonawanda; and

**WHEREAS**, the unregulated placement and long-term use of these containers can create potential safety hazards, obstruct visibility, and interfere with emergency access; and

**WHEREAS**, the presence of such containers can detract from neighborhood aesthetics, reduce property values, and contribute to visual blight in otherwise well-maintained areas; and

**WHEREAS**, the Common Council deems it necessary to establish clear and consistent zoning regulations to preserve the health, safety, and general welfare of the community while maintaining the character and appearance of the City,

**NOW, THEREFORE, LET IT BE RESOLVED**, that the North Tonawanda Common Council hereby amends *Chapter 103 – Zoning of the Code of the City of North Tonawanda* to include the following:

§ 103-28. Shipping Containers

A. Purpose and findings.

To preserve property values and aesthetic resources of the City, the City has determined that regulation of shipping containers and other like structures used for temporary or permanent storage is appropriate. It is the intention of the Common Council to maintain a clean, wholesome and attractive community and to guard against the creation of nuisances and conditions that may endanger the health, safety and welfare of the residents, reduce the value of properties, interfere with the use and enjoyment of adjoining properties, and interfere with the well-being of the public. The Common Council finds that from time to time containers are needed by the citizens of the City for various reasons, including but not limited to construction or storage of personal belongings. Nevertheless, the presence of containers can have a negative impact on health, safety, and welfare of the citizens of the City. This section is intended to minimize the adverse effects that containers may have by regulating the amount of time and location, where they may be parked, or stored, on properties in certain zoning districts. The purpose of this section is to protect the public health, safety, and welfare of the residents and aesthetic resources, and the general welfare of the City and its residents. The City finds that regulation of shipping containers is in the best interests of the City.

B. Definitions.

**Portable Site Storage Container or Pods**

A container, usually made of plastic, used for the temporary storage and/or transport of household or office furnishings and accessories.

**Shipping Container**

A standardized reusable vessel, which is usually made of steel, but may also be constructed wholly or partially from wood or fiberglass, that was: (i) originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities; and/or (ii) originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. “Transport containers” and “portable

site storage containers” having a similar appearance to and similar characteristics of shipping containers, shall be included in the definition of Shipping Container.

### C. Regulations.

(1) The following are the rules governing the use of shipping containers, portable site storage containers, and pods:

(a) Use of shipping containers and pods in R1-1 Single-Family Residence District, R1-2 Single-Family District, R-2 General Residence District, R-C Residence-Business Districts, are expressly prohibited, except in the event of the following:

(i) Moving/temporary storage. Portable rental site storage containers and pods are permitted in any zoning district for a ten-day period for use during moving. Such structures shall be placed in the premises driveway no less than fifteen feet set back from the front property line.

(ii) Construction storage. Rental shipping containers, construction trailers, and portable site storage containers are permitted for a period of up to sixty days during active construction provided that a building permit has been issued for construction at the premises. Such containers shall be placed in the premises driveway no less than fifteen feet set back from the front property line.

(b) Use of shipping containers and pods in C-1 Neighborhood Business District, C-2 General Commercial, M-1 Light Manufacturing District, M-2 General Industrial District, M-3 Special Industrial District, WD Waterfront District, and WD-1 Waterfront Districts. Rental or privately owned shipping containers are permitted, subject to the following:

(i) Shipping containers and pods shall be placed behind the forward line of the principal structure and shall comply with all setback standards set forth in this chapter for accessory structures.

(ii) Shipping containers and pods shall not block any emergency exits or lengthen a required path of ingress and egress.

(iii) Shipping containers and pods shall not interfere with access lanes required for municipal emergency response services.

(c) Use of shipping containers and pods in DD Downtown Mixed-Use Districts are expressly prohibited, except in instances of construction or remodeling storage in said zone, in which case the standards set forth in section 103-28(C)(1)(a)(ii) shall apply.

(2) Except as expressly permitted by the provisions of this section, portable site storage containers, pods, and shipping containers are not permitted to be used for storage or any other use.

(3) Exceptions. Nothing herein shall be construed to restrict the use of shipping containers or portable site storage containers for a natural disaster or emergency, including a fire, flood, sewer storm, or active military operation, subject to the sole discretion of the Code Enforcement Officer.

(4) Enforcement/Penalties. The Code Enforcement Officer and Building Inspector shall have the authority to enforce this chapter. A pod or shipping container that is not removed after notice and an opportunity to remedy a violation of this chapter shall be deemed to be an illegal structure and may be removed by the City of North Tonawanda, which shall assess such fines, costs and expenses against the property on which the storage container is located to be collected and enforced in the same manner as real property taxes. A person who shall violate any of the applicable provisions of this chapter shall be subject to a fine of \$250.00 for each day during which there is a failure to comply with the provisions of this chapter. The property owner shall be provided notice of a violation by regular, first-class mail and by personal delivery to an individual owner over the age of 18 residing at or employed by the owner of the property. The subject of such notice of violation shall correct the violation within 5 days of receipt of the notice of violation prior to commencement of legal action to enforce the provisions of this chapter. The cost of enforcement and removal may be assessed to the property owner as a special ad valorem tax levy.

(5) The provisions of this chapter are not intended to interfere with, abrogate, or annul other rules, regulations or laws, provided that whenever the requirements of this section are in conflict with the requirements of any other lawfully adopted regulation, rule or law, the most restrictive, or those which impose the highest standards, shall govern.

(6) If any section, subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(7) This ordinance shall take effect immediately upon passage by the Common Council and publication as required by law.

**Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey (4)**  
**Nays: None (0)**  
**CARRIED.**

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## **II. Attorney**

**June 10, 2025**

**Hon. Mayor and Common Council  
 City Hall, 216 Payne Avenue  
 North Tonawanda, NY 14120**

**Re: Proposed Request for a Waiver of a Portion of Water/Sewer Arrearages Assessed  
 to the Former PayLess Shoe Store in Mid-City Plaza**

**Dear Honorable Body:**

**As you may know, there has been an issue pending for some time regarding a continuing unpaid water/sewer bill assessed to the former PayLess Shoe Store in the Mid-City Plaza. The very large water/sewer bill was the result of a water leak, with the volume used/lost in dispute.**

**In an effort to resolve the issue without further litigation, I am requesting a waiver of the sewer portion of the outstanding bill (\$55,205.00), on the condition that the remaining balance of \$32,998.60 be paid by July 31, 2025.**

**Should your Honorable Body concur, please pass a resolution to allow for the waiver of the sewer portion of the very large water bill currently assessed to the former PayLess Shoe Store in Mid-City Plaza, subject to review by the City Attorney. Should you have any questions, please do not hesitate to contact me.**

**Very truly yours,  
 Edward A. Zebulske, III  
 City Attorney**

**MOVED by Alderman Marranca                      SECONDED by Alderman Lavey**  
**That the Common Council hereby approves a waiver of the sewer portion of the**  
**outstanding water/sewer bill of the former PayLess Shoe Store in Mid-City Plaza, in the**  
**amount of \$55,205.00, with the remaining balance of \$32,998.60 be paid by July 31, 2025.**  
**Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey (4)**  
**Nays: None (0)**  
**CARRIED.**

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## **III. Clerk-Treasurer**

**June 12, 2025**

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

**Re: City Auction Bids**

**06-17-2025**

Dear Honorable Body:

On Monday May 12, 2025, and ending Tuesday, May 27, 2025, my office in conjunction with the City Attorney’s Office conducted an online Public Auction through Auctions International at which 35 City owned parcels were Auctioned. I have attached for your review a list of the property addresses, Bidder Names and Bid Amounts. We are waiting for bid amounts for one (1) of the parcels. I respectfully request that your Honorable Body accept the 34 bids that have been paid.

If you’re Honorable Body Should concur, please vote in the affirmative on the above request pending final review by the City Attorney’s Office.

Sincerely,  
Donna L. Braun

MOVED by Alderman DiBernardo                      SECONDED by Alderman Marranca  
That the Common Council hereby approves Thirty-two (32) of the Thirty-Five (35) bids, from the On-Line Public Auction that was held on Monday May 12, 2025, and ending Tuesday, May 27, 2025, The Council tabled the sale of 300 Oliver Street and 652 Oliver Street. The council will follow up with the bidders on said tabled properties. The bids for said properties are as follows:

| <u>SBL#</u>    | <u>Address</u>       | <u>Bidder Name</u>      | <u>Amount</u> |
|----------------|----------------------|-------------------------|---------------|
| 175.07-1-28    | 667 Parkway          | Jagdish Express LLC     | \$110         |
| 175.07-1-40    | 532 Witmer Rd.       | Jeffrey Zellner         | \$570         |
| 175.15-1-35    | 162 Doyle Dr.        | Mundane Compuaunce      | \$142,100     |
| 175.51-1-8     | 552 Parkway Ave.     | Jaskiran Dhaliwall      | \$280         |
| 176.13-1-12.22 | 1480 Fairfield Dr.   | Zachary Overacker       | \$65          |
| 176.17-4-59    | 45 Forest Dr.        | Zachary Overacker       | \$3,650       |
| 182.15-1-7     | 28 Marietta Ave.     | Andrew Wasielewski      | \$660         |
| 182.15-1-8     | 148 Cramer St.       | C2J LLC/Cheryl Shaffer  | \$123,300     |
| 182.17-1-12    | 98 North Marion S.   | Justin Wilmore          | \$45,500      |
| 182.20-1-33    | 834 Wright Ave.      | Paul Richards IV        | \$2,050       |
| 182.20-1-34    | 826 Wright Ave.      | Paul Richards IV        | \$1,525       |
| 182.20-1-35    | 820 Wright Ave.      | Paul Richards IV        | \$1,650       |
| 182.21-1-28    | 126 Seventeenth Ave. | David Priester          | \$37,200      |
| 182.48-1-6     | 513 Euclid Ave.      | Kohinoor Akther         | \$153,800     |
| 182.48-2-19    | 84 Klaum Ave.        | CRF Properties LLC      | \$151,600     |
| 182.48-2-32    | 59 Klaum Ave.        | Donald Wagner           | \$91,200      |
| 182.52-2-6     | 652 Oliver St.       | Praestantia Capital LLC | \$141,100     |
| 182.53-3-27    | 72 Fifth Ave.        | Dallas Heim             | \$7,000       |
| 182.53-3-56    | 47 Fifth Ave.        | David Priester          | \$60,000      |
| 182.61-1-24    | 13 Third Ave.        | Yash Paghadal           | \$64,300      |
| 182.61-1-59    | 34 Second Ave.       | Trustpoint Invest LLC   | \$45,700      |
| 182.62-2-80    | 210 Miller St.       | VOR Ventures LLC        | \$55,400      |
| 182.65-1-80    | 262 Zimmerman St.    | Jeffrey Licht           | \$110         |
| 182.73-1-32    | 98 Rumbold Ave.      | Sonya Youngman          | \$80,700      |
| 182.73-3-19    | 579 East Thompson    | James Gampp             | \$68,100      |
| 182.75-2-15    | 105 Jefferson Ave.   | Eric Gampp              | \$740         |
| 182.77-1-24    | 300 Oliver St.       | Mundane Compaunce       | \$171,500     |
| 183.05-1-6     | 420 Old Falls Blvd.  | Puglia 177 LLC          | \$72,400      |
| 185.07-2-65    | 171 Elmwood Ave.     | Andrew Wasielewski      | \$1,500       |
| 185.11-1-14    | 38 Elmwood Ave.      | Yen Ko Romero Lay       | \$7,500       |
| 185.30-1-4     | 7 East Oliver St.    | Valeta Lamont           | \$48,300      |
| 185.31-1-38    | 226 Tremont St.      | Unisource Realty LLC    | \$89,400      |
| 182.08-1-67    | 1210 Sherwood Ave.   | Carl Nocera             | \$27,600      |
| 175.12-2-62    | St. Joseph Dr.       | Carl Nocera             | \$29,600      |

Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey (4)  
Nays: None (0)  
CARRIED.

**VII. Accountant**

**May 27, 2025**

**Honorable Austin J. Tylec, Mayor  
and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda NY 14120**

**Dear Honorable Body:**

**In accordance with Article V, Division 1, Section 5.002 and 5.003 of the City Charter, an Abstract Sheet, comprised of a Warrant of Claims, has been submitted by this office for your review and approval.**

**Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated June 17<sup>th</sup>, 2025, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.**

**Warm regards,  
Jeffrey R. Zellner  
City Accountant**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Schmigel  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 17<sup>th</sup>, 2025, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

|           |                                |                              |
|-----------|--------------------------------|------------------------------|
| <b>01</b> | <b>General Fund</b>            | <b>\$527,482.82</b>          |
| <b>02</b> | <b>Water Fund</b>              | <b>\$29,535.29</b>           |
| <b>04</b> | <b>Sewer Fund</b>              | <b>\$120,726.20</b>          |
| <b>06</b> | <b>Capital Project Fund</b>    | <b>\$457,504.30</b>          |
| <b>07</b> | <b>Trust &amp; Agency Fund</b> | <b><u>\$5,471.82</u></b>     |
| <b>00</b> | <b>Final Total</b>             | <b><u>\$1,140,720.43</u></b> |

**Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey (4)**  
**Nays: None (0)**  
**CARRIED.**

**XXV. Monthly Reports**

**.1 Senior Citizen Center      .2 Clerk-Treasurer      .3 Police Department**

**MOVED by Alderman Schmigel      SECONDED by Alderman DiBernardo  
That the Common Council hereby receives and files the aforementioned Monthly Reports.  
Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey (4)  
Nays: None (0)  
CARRIED.**

**COMMUNICATIONS FROM OTHERS**

**A.  
iHope Community Church**



Ayes: Alderman Schmigel, DiBernardo, Marranca, Lavey  
Nays: None  
CARRIED.

(4)  
(0)

AUDIENCE PARTICIPATION -

Ryan Parish 1346 Lexington Ave Sidewalk Issue

Good evening, council members. My name is Ryan Parish , and I live at 1346 Lexington Avenue in North Tonawanda.

I’m here to formally raise a concern regarding a sidewalk replacement completed outside my home nearly four weeks ago. Since that work was finished, a large, uneven ditch — filled with broken concrete chunks, loose rocks, and exposed soil — has been left behind. It remains unresolved to this day.

I’ve made three separate calls to Public Works, and I personally visited the facility this Monday morning. While I was treated respectfully, I still received no timeline, no work order reference, and no accountability for when this issue will be corrected.

This is not a cosmetic problem — this is a clear public safety hazard. The ditch runs just a few feet from my mailbox and driveway. We have children, elderly neighbors, and individuals using mobility aids traveling this area daily. The current state of the ground poses a serious trip-and-fall liability, and based on how the city has handled it so far, that liability appears to be falling squarely on the homeowner — me — despite the fact that the damage was caused by city-authorized contractors.

Let me be direct: if someone were to get hurt tomorrow, it would not be a surprise. And if I were to be sued, I would have to point directly back to the city and this recorded meeting.

Your negligence is becoming my liability. And your lack of clear communication shows a lack of concern for your constituents.

Everything you expect from residents — water bills, property taxes, parking tickets — has a due date. And when we miss that deadline, we face consequences. But dare I ask: where are the consequences for you?

I’m requesting the following:

- A written timeline for when this work will be completed
- Temporary safety measures — such as hazard tape or fill — to be installed immediately
- And a broader review of how unfinished infrastructure projects are communicated to residents who are left with unsafe conditions on their property

I’m not looking to escalate — I’m looking for responsible governance and preventive action. We shouldn’t have to show up to council meetings to get basic safety addressed, but here we are.

Thank you for your time.

Nancy Klepp 1295 Erie Avenue-

Would it be possible to install Deer Crossing Signs on Erie Avenue near the Blue Water Tower-the deer population in the area has increased.

Mrs. Klepp addressed her concerns to the Mayor that she felt that the flag hanging outside of City Hall is an embarrassment.



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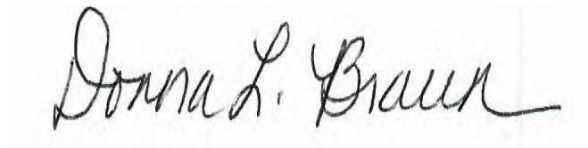
**ADJOURNMENT**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Schmigel**  
**That this regular session of the Common Council be and hereby is adjourned.**  
**CARRIED.**

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**Time of Adjournment:6:55 P.M**

**Respectfully submitted,**

A handwritten signature in black ink that reads "Donna L. Braun". The signature is written in a cursive style with a long horizontal flourish at the end.

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