

**TOWN OF NIAGARA
TOWN BOARD MEETING
7105 Lockport Road
Niagara Falls, NY 14305**

MINUTES

**Tuesday, November 18th, 2025
6:30 PM**

PUBLIC HEARING

1. To consider proposed adoption of Preliminary Town Budget for 2026. The Proposed Budget includes the following salaries for elected officials:

Supervisor	\$50,153.00
Council Member (4)	\$16,384.00
Town Clerk	\$61,692.00
Highway Superintendent	\$71,040.00
Justice (2)	\$34,000.00

Closed @6:30pm

UNSAFE BUILDING HEARINGS

1. 2920 Birch Avenue Niagara Falls NY Tax Map #144.26-4-64
2. 4316 Military Road Niagara Falls NY Tax Map #131.55-1-37

To summarize, Mike Risman questioned Charles Haseley about how long he has been employed by the Town, about the qualifications, licenses, training and certifications and ongoing education required to be in his position. Charles stated he became code enforcer in 1998, a has completed and continues updating his education. The property being discussed is located at 2920 Birch Avenue. Attorney Risman questioned Haseley about the repairs needed, the years of neglect, and the violations attached to this property. Haseley stated the numerous issues associated with the address and also stated the building department has been to the property at 2920 Birch Avenue 6 times since May, noting that nothing physically has been done to get the house up to code, and that no attempt was made to rectify the issues of cleaning up the property. Jeff Gismondi, council representative of the property owner of 2920 Birch Avenue, spoke of the reasons his client should be granted additional time to complete the necessary repairs, bring the home up to code, and eliminate the need for demolition.

*Mike Risman submitted documentation that consisted of notices, letters and photos regarding 2920 Birch Avenue.

To summarize, Mike Risman stated he had been in contact with the property owner of 4316 Military Road and the owner agrees with the building being deemed unsafe, and in need of demolition.

*Audio recording of this hearing is available upon request.

OPEN MEETING (Pledge, Prayer, Roll Call) @6:30pm

(Residents who passed away since our last meeting are Memorialized at the end of this Agenda)

Supervisor Sylvia Virtuoso called the meeting to order with the Pledge of Allegiance.

Attached is a Memorial Page of all the deceased Town residents who passed away recently.

Roll Call:

Present: Supervisor Sylvia Virtuoso, Deputy Supervisor Marc Carpenter, Councilman Mike Lee, Councilman Johnny Parks, Councilman Charles Teixeira

Absent:

Excused:

Also, present Melissa Cerrillo, Town Clerk

PRIVILEGE OF THE FLOOR *(Announce changes to agenda, if any)*

(§50-3 Privilege of the floor. Only members of the public sector are allowed to speak at this time and may address any agenda or non-agenda item. (3-minute limit)

Closed @ 6:32pm – no speakers

Tom Weber of 7925 Packard Road did not speak at privilege of the floor, but he did hand out paperwork on appropriate footage for sign placement.

APPROVAL OF MINUTES

1. Town Board Meeting of October 21st, 2025

Motion to approve by Councilman Carpenter, second by Councilman Teixeira

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain-none

Motion carried.

PAYMENT OF THE BILLS

General Fund Pre-Pay vouchers [A] \$21,582.80

General Fund vouchers [A] \$114,326.36

Sewer Fund Pre-Pay vouchers [G] \$594.35

Sewer Fund vouchers [G] \$212,866.43

Water Fund Pre-Pay vouchers [F] \$1,146.45

Water Fund vouchers [F] \$2,918.72

Highway Fund Pre-Pay vouchers [DA] \$0.00

Highway Fund vouchers [DA] \$39,757.05

Fire Protection Pre-Pay vouchers [SF] \$0.00

Fire Protection vouchers [SF] \$4,084.22

Street Lighting Pre-Pay vouchers [SL] \$6,606.92

Street Lighting vouchers [SL] \$0.00

Trust & Agency Pre-Pay vouchers [TA] \$0.00
Trust & Agency vouchers [TA] \$3,409.50
Capital Projects Pre-Pay [H] \$0.00
Capital Projects vouchers [H] \$0.00

Motion to approve by Councilman Lee, second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

AGENDA

1. Resolution to adopt the 2026 budget for the Town of Niagara requires a tax levy increase that exceeds the tax cap imposed by state law as outlined in General Municipal Law Section 3-c adopted in 2011 that expressly permits the Town Board to override the tax levy limit by a resolution approved by a vote of sixty percent of qualified board members. The Budget includes the following salaries for elected officials:

Supervisor	\$50,153.00
Council Member (4)	\$16,384.00
Town Clerk	\$61,692.00
Highway Superintendent	\$71,040.00
Justice (2)	\$34,000.00

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Lee, Parks
Noes – Teixeira
Abstain – none

Motion carried.

2. Resolution to adopt and approve Findings of Fact and Order directing the property owner to repair, vacate and demolish the property at 2920 Birch Avenue on or before January 1, 2026. (Risman)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none
Abstain – none

Motion carried.

3. Resolution to appoint Anisa Mahmood acting Lieutenant position starting in December for a maximum amount of 6 months. (Guiliani)

Motion to approve by Councilman Teixeira second by Councilman Parks

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira
Noes – none

Abstain – none

Motion carried.

4. Resolution to adopt and approve Findings of Fact and Order directing the property owner to repair, vacate and demolish the property at 4316 Military Road on or before January 1, 2026. (Risman)

Motion to approve by Councilman Lee second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

5. Resolution to approve the annual Special-Use permit renewal request of:

- Zafuto Auto 6700 Porter Rd. 145.11-1-27 – Auto Repair
- Jetport 7100 Porter Rd. 145.1-1-12 – New & Used Sales/Repair
- Westwood Village 161.06-1-2 – Mobile Home Park
- Cayuga Village 9370 NF BLVD 146.18-2-1 – Mobile Home Park
- Quicklees 6021 Porter Rd. 145.14-3-8 – Fuel Dispensary
- Toni Place 2113 Roberts Drive 146.18-1-26 – In Home Occupation
- Cheryl Bellreng 3509 Crestview Dr. 132.17-2-93 – In Home Occupation
- David Chevrolet 10225 NF BLVD 146.19-2-3 – New & Used Sales
- Genes Wholesale Tire 292 Military Rd. 145.07-3-45.1 – Sales
- Metalico Niagara 2133 Maple Ave. 130.1-3-26 – Sales
- David Chevrolet 10235 Porter Rd. 146.19-2-2 – Detail Shop
- Artwork on Wheels 9701 Porter Rd. 16.191-3.1 – In Home Occupation
(Haseley)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

6. Resolution to purchase a GIS online platform through the Town Engineering firm GHD for a price of \$70,000 funded by I&I grant money and split between various Town Departments.
(Beiter)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

7. Resolution to reappoint Jason Cerrillo to the Board of Assessment Review. (Bird)

Motion to approve by Councilman Parks second by Councilman Teixeira.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

8. Resolution to declare a negative declaration on the associated SEQR for the special-use permit request of Michel Schleicher/Leaffield LLC. 7101 Packard Road, Tax Map #145.12-1-2. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

9. Resolution to approve the special-use permit request of Michael Schleicher/Leaffield LLC. 7101 Packard Road, Tax Map # 145.12-1-2. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Lee.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes –

Abstain – none

Motion carried.

10. Resolution to declare a negative declaration on the associated SEQR of the minor subdivision request of Zachary Stonefield PE. of Stonefield Engineering and Design, LLC. Military Road, Tax Map #161.05-1-3.21. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Teixeira.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

11. Resolution to approve the minor subdivision request of Zachary Stonefield PE. of Stonefield Engineering and Design, LLC., Military Road, Tax Map #161.05-1-3.21. (Haseley)

Motion to approve by Councilman Teixeira second by Councilman Lee

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

12. Resolution to declare a negative declaration on the associated SEQR for the final site plan request of John Simon of Stavatti Group, 9400 Porter Road, Tax map # 146.1-10.1. (Haseley)

Motion to approve by Councilman Carpenter second by Councilman Parks.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

13. Resolution to deny the final site plan request of John Simon of Stavatti Group, 9400 Porter Road, tax map # 146.1-10.1. (Haseley)

Motion to approve by Councilman Lee second by Councilman Carpenter.

Ayes –Virtuoso, Carpenter, Lee, Parks, Teixeira

Noes – none

Abstain – none

Motion carried.

TABLED

COMMENTS

Councilman Lee had no comment at this time. Councilman Carpenter thanked the residents for coming out to vote, he is very honored to have this position and can't wait for another term. He also thanked his wife for all her support through all his years on the town board. Councilman Parks thanked Rick Sirianni and his department for the quick cleanup with the recent snow fall we had and appreciates that the Highway department always goes above and beyond. Councilman Teixeira stated that Paul says to be content in all situations, and on Thanksgiving, take a moment to not only be thankful, but to give the homeless grace. He wished everyone a blessed Thanksgiving. Supervisor Virtuoso wished everyone a very Happy Thanksgiving, saying she is so blessed not only to have her family, but her work family also. Noel at Niagara in the park is this Saturday, she hopes to see everyone there. She also thanked Jeff Gismondi for kindly speaking at the meeting.

ADJOURNMENTS

Motion to adjourn by Councilman Teixeira, second by Councilman Parks. All in favor. Meeting adjourned at 7:16pm.

Respectfully Submitted,

Melissa Cerrillo

Town Clerk

THE MONTHLY AGENDA IS ON THE TOWN WEBSITE

www.townofniagara.com



In Memoriam

**Debrah Pirinelli
Elizabeth M. Jones
Dolores L. Scarfone**

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

11/13/2025

RE: Town hearing update inspection report
Unsafe structure
2920 Birch Avenue
Niagara Falls, New York 14304

Dear Board Members,

On November 13th an inspection of the above referenced unsafe structure was conducted by the Department of Inspections. This follow-up site inspection was conducted by myself, and assistant Building Inspector, Joe Vaccarella.

The inspection was conducted to ascertain current status of the aforementioned previously condemned unsafe dwelling, out building and yard areas.

Attached to this letter are Photos taken (exhibits A –Q) ,a summary of violations found to exist as depicted on the exhibits, a copy of the corresponding State and local code standards, and owner provided engineer building analysis .

As always, should there be any questions in this matter, please do not hesitate to give our office a jingle.

Respectfully,

Charles E. Haseley
Building Inspector

CC: Town Attorney – Mike Risan

ENC.

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
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11/13/2025

RE: Town hearing update inspection report attachments
Unsafe structure
2920 Birch Avenue
Niagara Falls, New York 14304

EXHIBIT/S – (A - M) as confirmed by Kauts Engineering , building analysis report dated (July 25th 2025)

- Storm gutters system – gutters /down spouts in need of repair and or are missing all together and no longer perform their function , resulting in storm water contributing to damage of adjacent roof systems, exposing the electrical system , insulation , and foundation and interior environments to the ill effects of the elements. Dangerous and unsafe as defined by Town of Niagara Code (TNC)) Chapter 121 and violations of:

- 1.) 2020 New York Property Maintenance Code (NYSPMC) Chapter 3 , section: 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.

- 2.) (TNC) Chapter 122 , section 2 (A)
Surface and subsurface water shall be appropriately drained to protect buildings and
•structures and to prevent the development of stagnant ponds.

&

- 3.) (B) All drainage water from roof surfaces of residential buildings shall be properly drained into a sewer or other facility or body of water, or by any alternate method approved by the Building Inspector. No buildings or structures shall discharge roof drainage on sidewalk, stairs or neighboring property.

- Exterior weather protectives are in need of substantial repair and or are missing all together to include but not limited to Windows are not provided with required flashing and or are rotted, the roof system is in need of replacement, siding and associated cladding is missing and or in need of substantial repair, foundation crawl space is open to the elements and contributes to the unwanted harborage of

numerous feral cats observed at time of inspection. . Dangerous and unsafe as defined by Town of Niagara Code (TNC)) Chapter 121 and violations of:

- 1.) (TNC) 122 SECTION 122-3(B) General maintenance. Exterior and interior surfaces, including but not limited to foundations, roofs, floors, walls, ceilings, doors, windows and fixtures of buildings and structures, shall be maintained_In a clean, safe and sanitary manner.

2020 New York Property Maintenance Code (NYSPMC) Chapter 3 SECTION 304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition.

- The electrical system throughout being subject to the ill effects of the elements with from the aforementioned building deficiencies is in need of replacement as required by **604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires ,ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced. As required by **604.3.1 Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

- The structures water service and natural gas system is divorced by the supplier and as such the dwelling cannot support the required essential amenities for its occupants, a violation of the (NYSPMC) Chapter 6 ,section **601.2 Responsibility.** The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that does not comply with the requirements of this chapter, and **PJ 504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service ,inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *building official* shall require the defects to be corrected to eliminate the hazard.

- The dwelling and surrounding yard with its aforementioned building defects and illicit storage of material has become harborage to the point of infestation with feral cats, resulting in the accumulation of fecal matter, and its noticeable foul odor of which actually permeates of the premise. A violation of the (NYSPMC) Section **309.4 Multiple occupancy.** The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and *exterior property*.

EXHIBIT/S – (A ,D,E,F,G,I, and M)

- The Vacant unsafe structure has window, crawl spaces and portions of the roof system and walls of which are in such disrepair that the structure is open to possible unwanted entry into the structure of which brings the risk of potential harm to those that enter, and or future vandalism to the structure to include but not limited to unwanted criminal activity or the possibility of arson . , a violation of the (NYSPMC) Section **301.3 Vacant structures and land.** Vacant premises, structures and portions thereof, or vacant land shall be maintained by the owner in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety

Exhibit/s (D, E, F, G, H, and J) as confirmed by Kauts Engineering, building analysis report dated (July 25th 2025)

- Structural members having substantial damage are in need of replacement and there condition has left the structure in a state of partial collapse , and its continued lack of maintenance has left the structure with the possibility of future structural failure placing the general public at risk of injury from falling structurally members or parts thereof. A violation of the (NYSPMC) Section **304.1 General**. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare, and

The (TNC) Chapter 122 Section 122-3 **B. General maintenance**. Exterior and interior surfaces, including but not limited to foundations, roofs, floors, walls, ceilings, doors, windows and fixtures of buildings and structures, shall be maintained:

(1) In a clean, safe and sanitary manner; and

(2) Free of substantial deterioration or graffiti. And

(NYSPMC) **306.1 General**. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

This structures building deficiencies as described herewith in, as illustrated in the exhibit photos and as confirmed by the owners Engineer in the attached building analysis report has placed the structure known as 2920 Birch Avenue as being dangerous/unsafe as defined by the (TNC) Chapter 121 .and is unable of providing basic sanitation, heating, nor provide for the safety an or general welfare of any occupants.

DANGEROUS BUILDINGS

All buildings or structures which have any or all of the following defects:

A.

Those whose walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

B.

Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

C.

Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D.

Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town of Niagara.

E.

Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or diseases, so as to work injury to the health, morals, safety or general welfare of those living therein.

F.

Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

G.

Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways elevators, fire escapes or other means of escape.

H.

Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I.

Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this town.

J.

Those buildings existing in violation of any provision of Chapter 245, Zoning, of the Town of Niagara or any other ordinance or local law of said town.

K.

Any building or structure which remains vacant and unattended continuously for a period of five years.

Also, it was found at time of the site inspection the two story accessory storage building was in substantial disrepair of which included the following unsafe conditions and violations of assorted State and local codes:

Exhibit/ s (N, O, P)

- The exterior block and siding and vehicle bay door/s in need of protective coating a violation of the (TNC) Chapter 122 , Section 122-3D (1)

Periodic treatment. In addition, exterior surfaces of buildings and structures that are not inherently resistant to substantial deterioration shall be periodically treated with a protective coating of paint or other suitable preservative when necessary,

- Several windows and doors are in substantial need of repair and or missing all together and no longer provide their intended function and provide no protection from the elements nor from unwanted entry, violations of (NYSPMC) Section 304.2 **Protective treatment.** Exterior surfaces,

Including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, and

(NYSFC) Section 311.2.3.

311.2.1 Security. Exterior and interior openings open to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The *fire code official* is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

EXHIBIT/S – (A – P)

Finally, the exterior yard areas of 2920 Birch Ave. was found to have numerous property maintenance violations to include but not limited to:

- Several stored propane tanks , assorted construction debris , discarded wooden pallets, opened bags of debris ,household fixtures and unregistered inoperable motor vehicles(trailer/ car) are stored randomly outside a violation of the (TNC) Section § 178-12 **Owner to maintain premises free of litter.** The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. And

G.

Residential, commercial, and industrial properties shall not have open or outdoor storage of inventory, goods, materials, products, or personal property, whether new or used, or for intended sale, use, reuse or disposal or any other proposed use.

- The accumulation of fecal matter from the feral cats residing in and around the premise is a violation of the (TNC) Section 122-2 E, Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation

Any buildings in the condition of an unoccupied hazard, as defined in this chapter, shall be repaired, improved and maintained so as to eliminate the conditions creating an unoccupied hazard, as defined in this chapter, or demolished, and all refuse, rubbish and debris caused by such demolition shall be removed from the premises except acceptable fill which may be used in excavations. The area formerly covered by any building that has been removed or demolished shall be graded to the level of the lot.

In any case where a dangerous building is 50% damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter or any ordinance or law of the town or statute of the State of New York, it shall be demolished.

Complaint Action By Type

Complaint Number: 253-2025

Complaint #	Complaint Type	Action Date	Action Information	Complainant
<i>Action Type: Meeting</i>				
253-2025	Property Maintenance	05/22/25	Contact: <None>	
253-2025	Property Maintenance	05/22/25	Contact: <None>	
				Meeting Total #: 2
<i>Action Type: General Note</i>				
253-2025	Property Maintenance	05/22/25	Contact: <None> Note 1: violation notice and condemnation letter / order to demolish was hand written versus ips format as specifics were needed ,hence the drafted letter (see the notices in docs)	
				General Note Total #: 1
<i>Action Type: Phone Call Received</i>				
253-2025	Property Maintenance	06/04/25	Contact: Wieslaw Walawender Call Notes: wies called stated he would like to save building and there is a invested party of whom wishes also to save the structure (unkown to this office , or in records as having a vested interest) .I stated at todays costs of materials, the required builsiding analasis costs , and labor to bring the home into compliance with the applicable codes are assumed to be over % 50 percent of the the assessed valueand if that is true per code i would be unable to write the permit . he wished to be heard i relayed the town board would through a hearing allow for him to present his oposition . in the iterim I sugested he gather and put togethger a plan to present to the board to include information and official comment from the so -called vested party .	
				Phone Call Received Total #: 1
<i>Action Type: Meeting</i>				
253-2025	Property Maintenance	08/04/25	Contact: Wieslaw Walawender	
253-2025	Property Maintenance	08/04/25	Contact: <None>	
				Meeting Total #: 2
<i>Action Type: Phone Call Received</i>				
253-2025	Property Maintenance	10/22/25	Contact: <None> Call Notes: WIES CALLED TO CANCEL MEETING FOR THURSDAY OCTOBER 24TH 2025 AT 10AM, BECAUSE LAWYER WAS DOING REVIEW ..IT WAS HARD TO UNDERSATND HIM.	
253-2025	Property Maintenance	11/07/25	Contact: Wieslaw Walawender Call Notes: Mike felt a site visit was in order to confirm current existing conditions prior to	

Complaint Action By Type

Complaint #	Complaint Type	Action Date	Action Information	Complainant
			hearing , agreed and findings will be forwarded to board aand him alike prior to meeting .	
				Phone Call Received Total #: 2
<i>Action Type: Inspection Note</i>				
253-2025	Property Maintenance	11/17/25	Inspection Notes: a written summary and photos of the 11/13/ 2025 hearing update inspection was forwarded to board and attorney see pkge in docs.	
				Inspection Note Total #: 1
<i>Action Type: Inspection</i>				
253-2025	Property Maintenance	05/22/25	Type: Site Visit Result: Fail	
253-2025	Property Maintenance	11/13/25	Type: Site Visit Result: Fail	
				Inspection Total #: 2
				Grand Total: 11



KAUTZ ENGINEERING

LICENSED PROFESSIONAL ENGINEER

NEW YORK

05JUL2025

Charles E. Hasley
Building Inspector
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14108

RECEIVED

JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP. OFFICE

Re: 2920 Birch Ave. Niagara Falls, NY
SBL 144.26-4-64

Owner of Record: Mr. Wieslaw J. vonWalawender (Owner)

The subject property presents as a wood frame construct that consists of at least three (3) distinct builds: the original two story single family dwelling built in 1936, a three (3) season sun-room addition to the south side (street / front) of the original structure and a two (2) story addition to the north (rear side) of the original structure. The two story addition precipitated the entire structure to become multi-family dwelling.

Owner reports that at some point in time during November 2021 an object fell from the sky, impacting the two story addition, that caused extensive damage to that portion of the building. As this was during the COVID lock-downs, construction was at a stand still. Therefore the structure was left open to the elements, which has caused further damage.

There is a two story wood garage to the north east corner of the property.

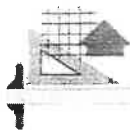
The Town of Niagara issued a Notice of Condemnation on 5/22/25 on the dwelling.

Owner proposes the following as a solution to the current situation:

1. Demolish the entire two story addition attached to the original 1936 structure. This action will not only remove the "second living unit" from the property, returning it to a "single family dwelling", but also eliminate the majority of physical damage and code violations.
2. Repair the original 1936 two story dwelling and sun-room addition. Repairs to include but not be limited to:

Replace studs, joists, rafters, siding and dry wall on an as needed basis.
Replace windows and exterior doors on an as needed basis.
Repair the roof(s) with new sheeting (as required), install all new underlayment and shingles. Also, install new soffits and gutters.

31 CINDY DRIVE WILLIAMSVILLE, NY 14221
E-MAIL dkautz@roadrunner.com
CELL (716) 963-3856



KAUTZ ENGINEERING

LICENSED PROFESSIONAL ENGINEER

NEW YORK

Repair electrical as required to bring property up to current code
Repair plumbing as required to bring property up to current code
Replace the furnace
Replace the water heater

Clear the lot of accumulated vegetation and debris.

The Owner proposes to perform this work himself as he presents as having the needed tools, equipment and skills necessary. Owner further states that he has certain needed materials (i.e. shingles, furnace, etc.) currently in hand. Where code demands licensed craftsmen (i.e. electrician and or plumber) that work will be contracted.

Given that this proposed path would not require contractors, except as noted above, nor even direct labor charges and that certain portions of required materials are already in hand, the cost of these repairs are projected to be well below the \$22,500 (50% of 2025 tax assessment of \$45,000).

If this plan concept is acceptable to the Town, the owner will supply material cost estimates to support the claims above and apply for the needed permits as soon as possible.

Sincerely,

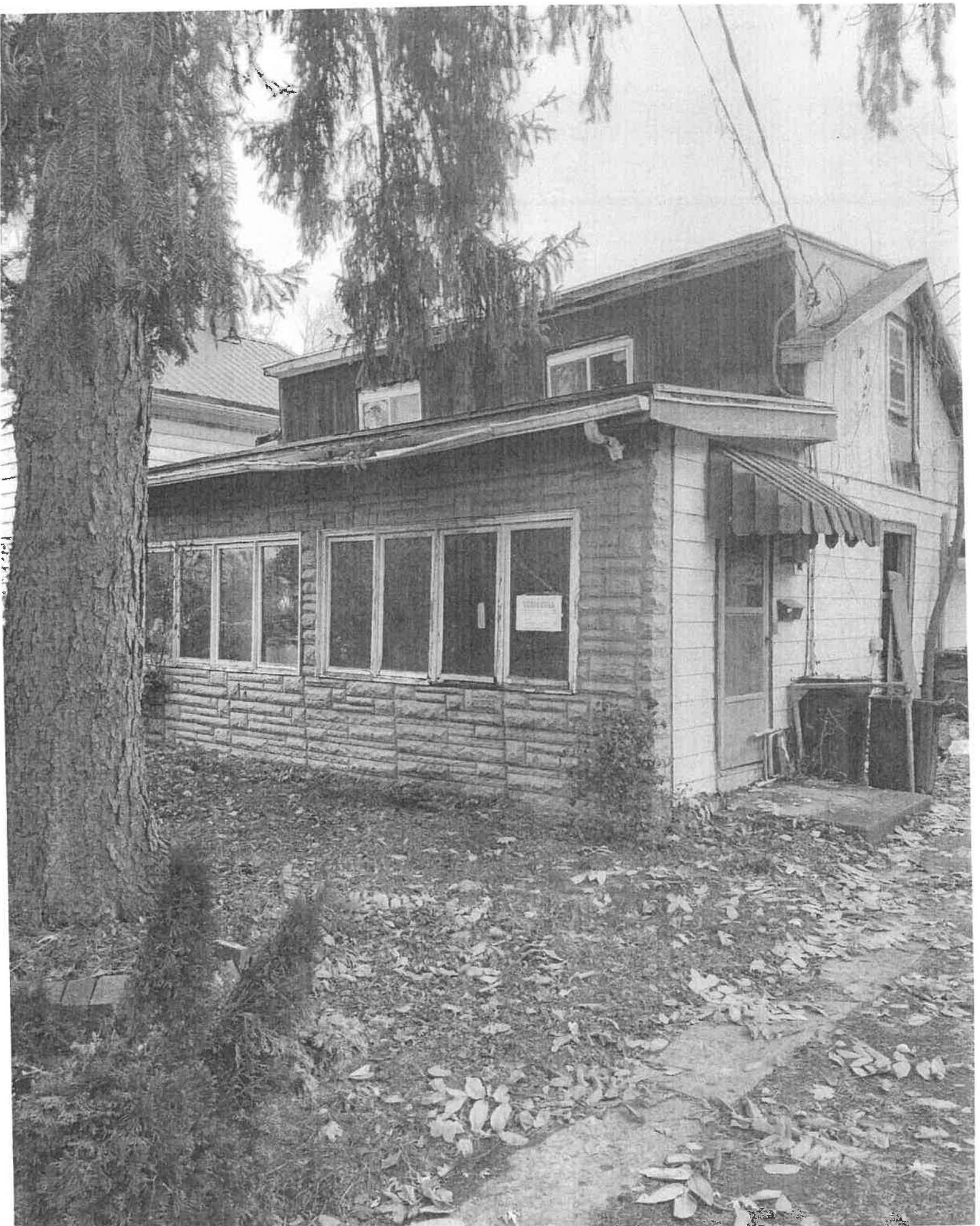
David J. Kautz, PE

RECEIVED

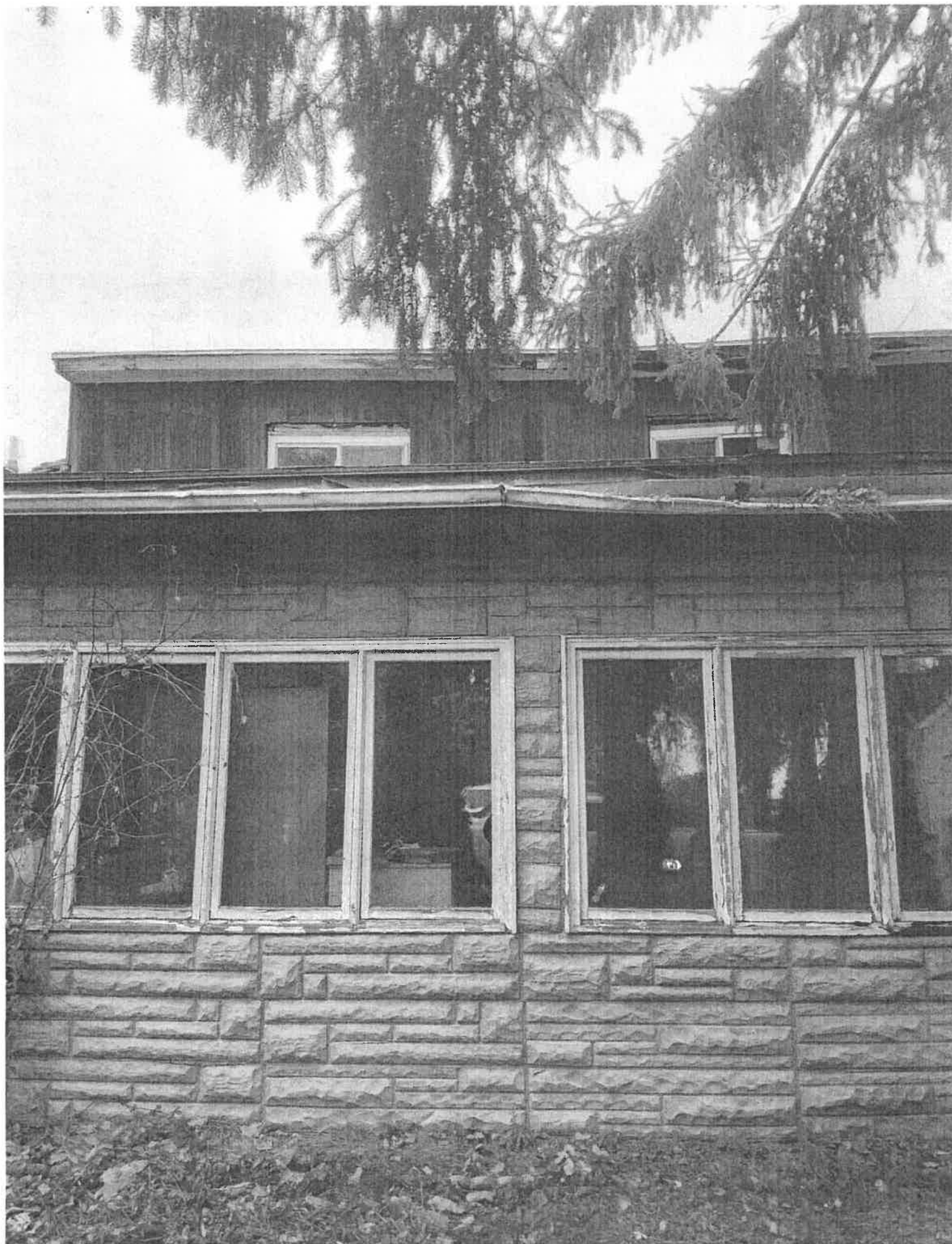
JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP. OFFICE

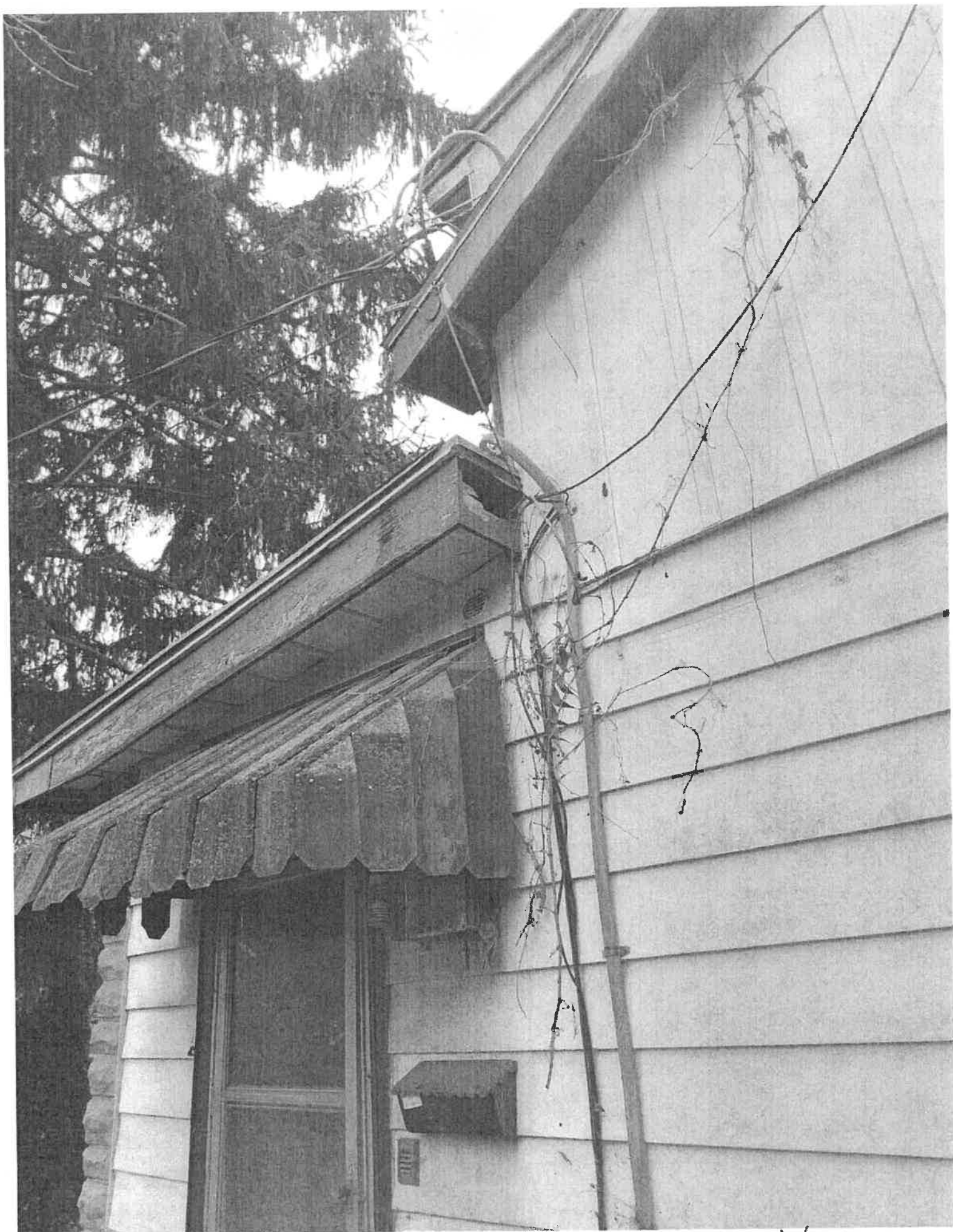
31 CINDY DRIVE WILLIAMSVILLE, NY 14221
E-MAIL: dkautz@roadrunner.com
CELL (716) 983-3856



11/13/2005 @ 2590 Bina Ave. - Tax map # - 144.26-4-14 CU/Ekbit A



11/13/2005 - 2920 Bird Ave, Tract Map # 144 26-4-64 CU / Exhibit B



11/13/2025 - 2920 Birch Ave, Taxmap # 144.26-4-64 CH/Exhibit C



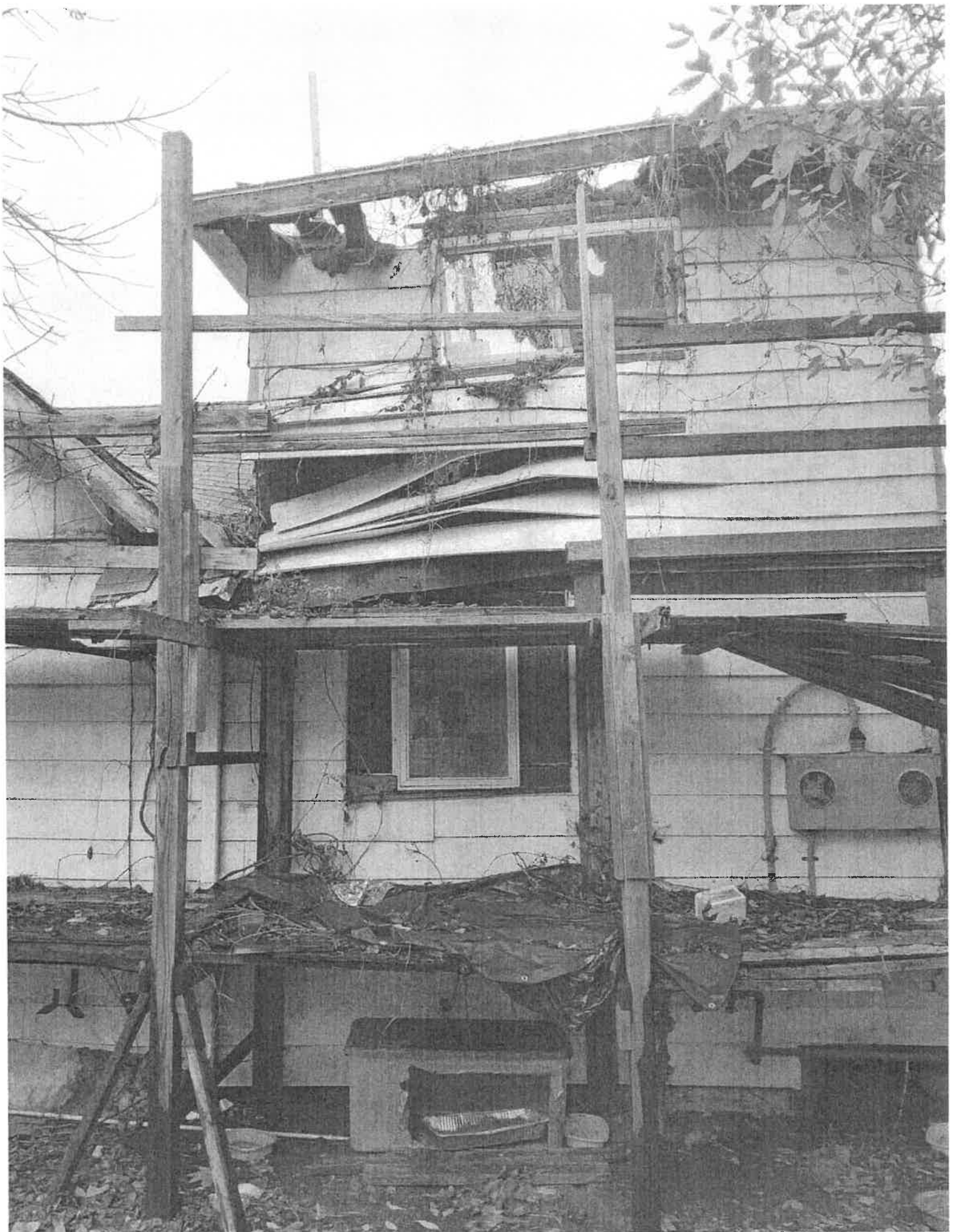
11/13/2015 - 2920 Bird Ave - TruMn # - 144.26-4-64 CH / Exhibit D



11/15/2021 - 2920 Bird Ave. - Tree Map# - 144.26-4-64 CM/Exhibit E



11/13/2005 ~ 2920 Birch Ave. - TAX MAP # - 144.26-4-64 CH / Fdnl F



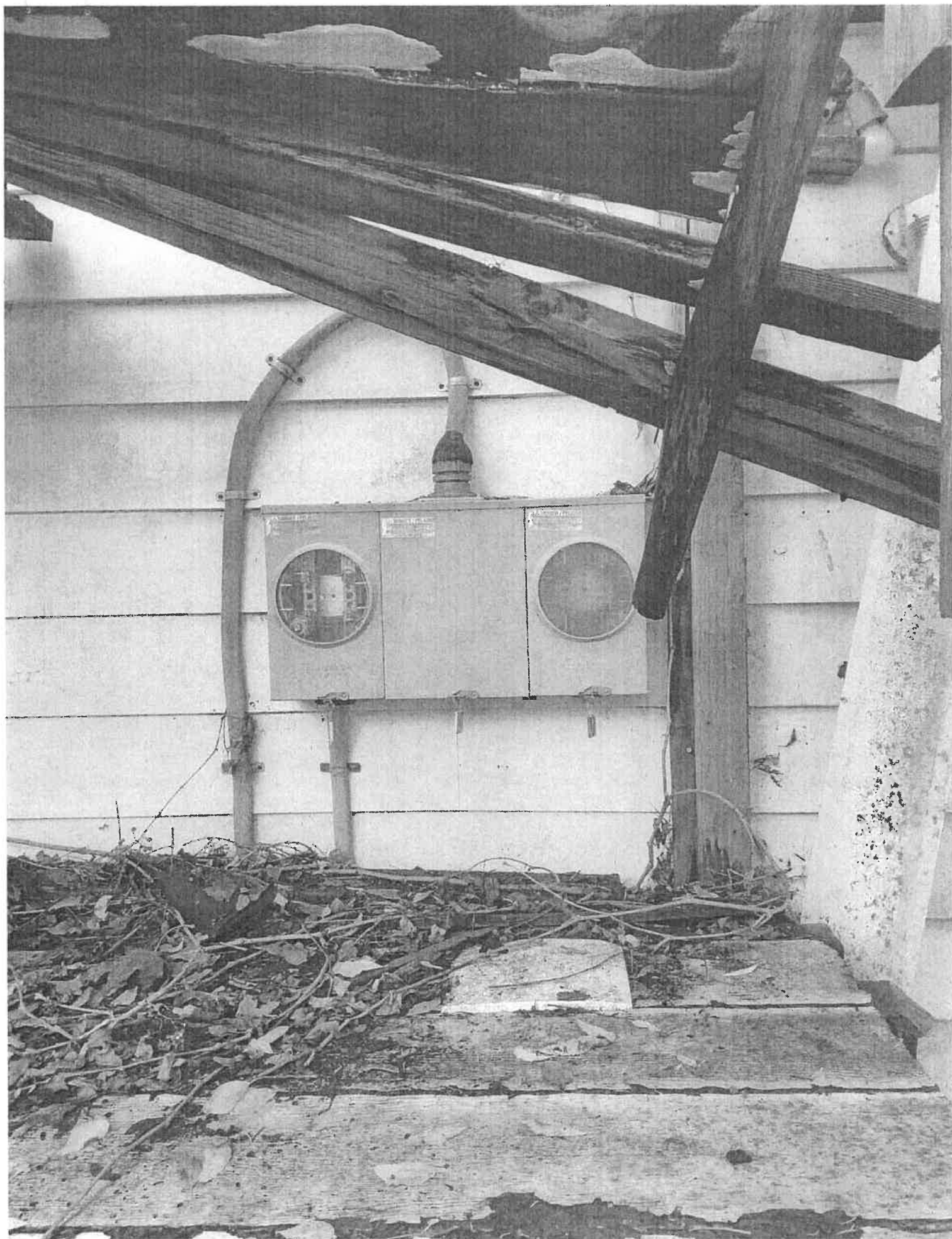
11/13/2020 - 2820 Bird Ave - Tax Map # - 144.26-4-64 CM/Exhibit G



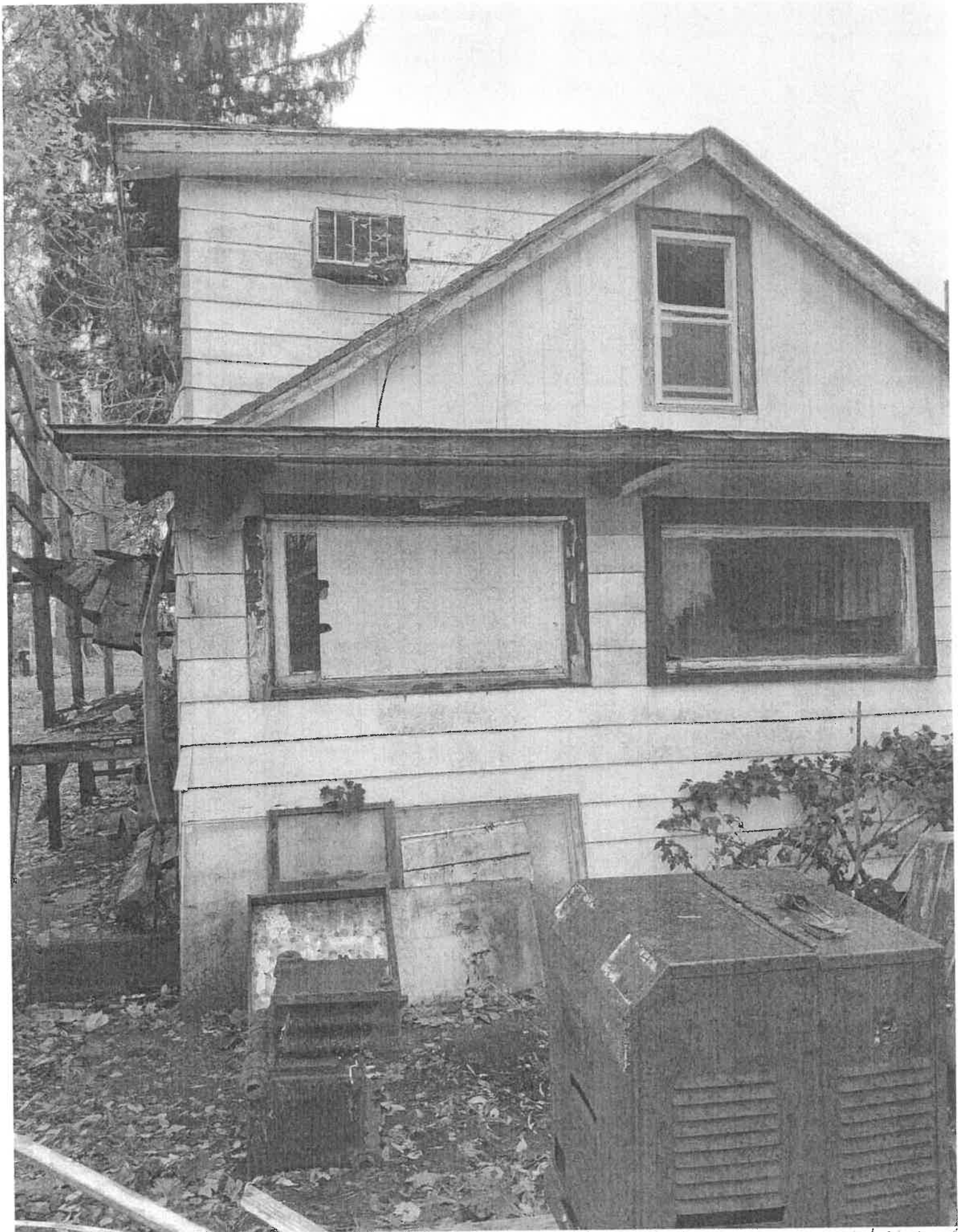
11/13/2005 - 2920 Bird Ave. - Tax Map # - 144.26 - 4 - 64 CIL / EMB H



11/15/2005 - Bina Ave-2920 - Tax Map# - 144.26-4-64. CH / Exhibit I



11/13/2025 - 2920 Bird Ave. - Tax Map # - 144.26-4-64 CH / E&B J



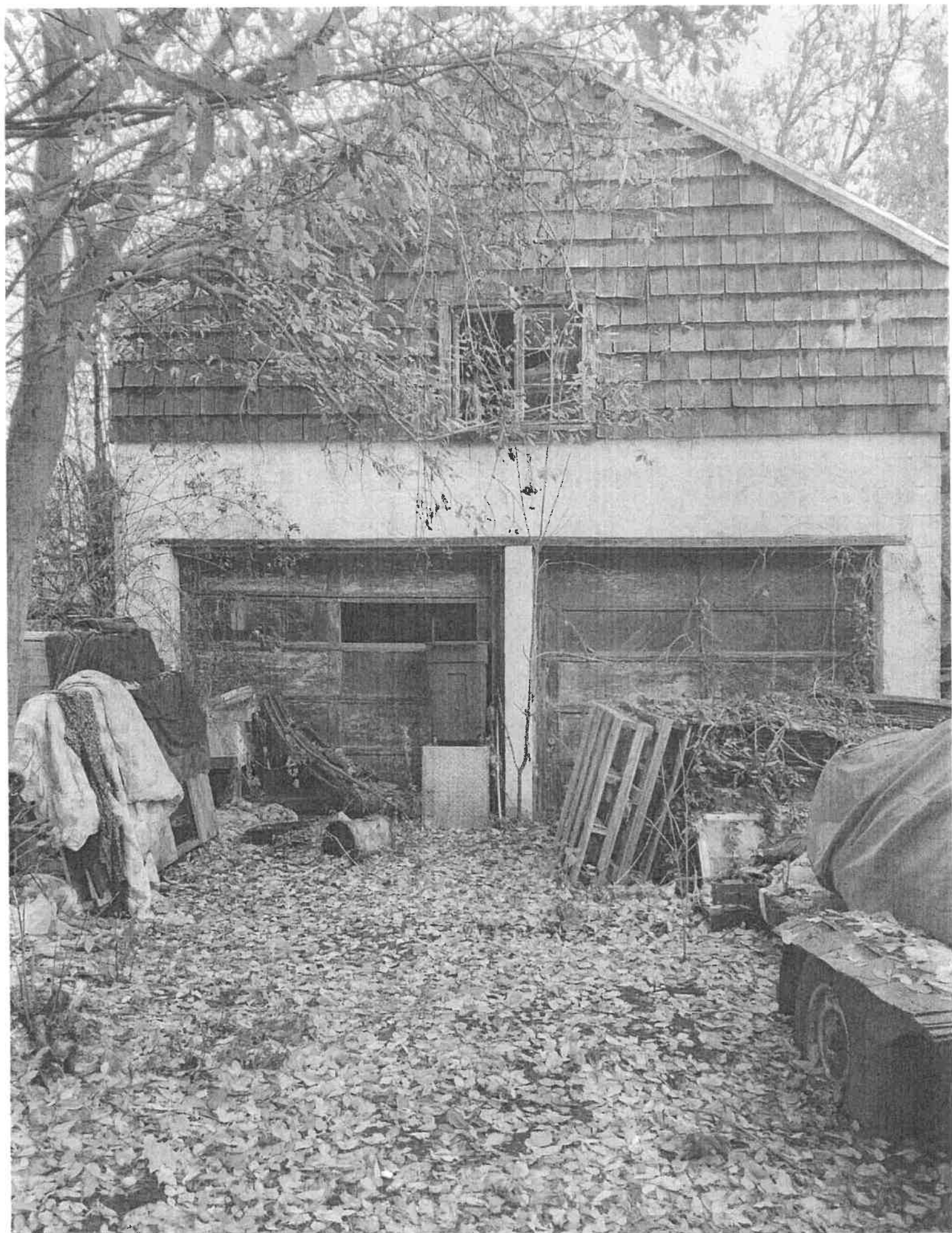
11/13/2025 - 2920 Birch Ave - Tacoma #. 144.26-4-64 CH/Exhibit K



11/13/2025 - 2920 Birch Ave - Tax Map # - 144.26-4-64 CH/Est L



11/13/2025 2920 Birch Ave - Tax Map #. 144.26 - 4- 64 C-1A/ENR.1 M



11/13/2025 - 2920 Birch Ave - TAX MAP # 144.26-4-64 CH/ELBT N



11/13/2025 - 2910 Birch Ave. Tax Map # 144.26-4-64 CH / Edil D



11/13/2021 - 2920 Birch Ave, TAMPA # 144.26-4-64 CH / Exhibit P



KAUTZ ENGINEERING

LICENSED PROFESSIONAL ENGINEER

NEW YORK

05JUL2025

Charles E Hasley
Building Inspector
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14108

RECEIVED

JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP. OFFICE

Re: 2920 Birch Ave, Niagara Falls, NY
SBL 144.26-4-64

Owner of Record: Mr. Wieslaw J. vonWalawender (Owner)

The subject property presents as a wood frame construct that consists of at least three (3) distinct builds: the original two story single family dwelling built in 1936, a three (3) season sun-room addition to the south side (street / front) of the original structure and a two (2) story addition to the north (rear side) of the original structure. The two story addition precipitated the entire structure to become multi-family dwelling.

Owner reports that at some point in time during November 2021 an object fell from the sky, impacting the two story addition, that caused extensive damage to that portion of the building. As this was during the COVID lock-downs, construction was at a stand still. Therefore the structure was left open to the elements, which has caused further damage.

There is a two story wood garage to the north east corner of the property.

The Town of Niagara issued a Notice of Condemnation on 5/22/25 on the dwelling.

Owner proposes the following as a solution to the current situation:

1. Demolish the entire two story addition attached to the original 1936 structure. This action will not only remove the "second living unit" from the property, returning it to a "single family dwelling", but also eliminate the majority of physical damage and code violations.
2. Repair the original 1936 two story dwelling and sun-room addition. Repairs to include but not be limited to:

Replace studs, joists, rafters, siding and drywall on an as needed basis.

Replace windows and exterior doors on an as needed basis.

Repair the roof(s) with new sheeting (as required), install all new underlayment and shingles. Also, install new soffits and gutters.

31 CINDY DRIVE WILLIAMSVILLE, NY 14221
E-MAIL dkautz@roadrunner.com
CELL (716) 983-3856



KAUTZ ENGINEERING

LICENSED PROFESSIONAL ENGINEER

NEW YORK

Repair electrical as required to bring property up to current code
Repair plumbing as required to bring property up to current code
Replace the furnace
Replace the water heater

Clear the lot of accumulated vegetation and debris.

The Owner proposes to perform this work himself as he presents as having the needed tools, equipment and skills necessary. Owner further states that he has certain needed materials (i.e. shingles, furnace, etc.) currently in hand. Where code demands licensed craftsmen (i.e. electrician and or plumber) that work will be contracted.

Given that this proposed path would not require contractors, except as noted above, nor even direct labor charges and that certain portions of required materials are already in hand, the cost of these repairs are projected to be well below the \$22,500 (50% of 2025 tax assessment of \$45,000).

If this plan concept is acceptable to the Town, the owner will supply material cost estimates to support the claims above and apply for the needed permits as soon as possible.

Sincerely,

David J. Kautz, PE

RECEIVED

JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP OFFICE

Complaint Action Summary

Complaint Number: 253-2025

Complaint #: 253-2025

Type: Property Maintenance

Status: Open

Location: 2920 Birch Ave

Identifier: 144.26-4-64

Open Date: 05/21/25

Owner: Wieslaw Walawender

Complainant:

Nature Of Complaint: unknown complaintant during town board meeting's privlidge of the floor lodged for the record numerous property maintainance / z' zombie housing throughout the town to include this parcel (see complaint in docs) .

Action Type	Action Date	Action Information	Inspector
General Note	05/22/25	Contact: <None> Note 1: violation notice and condemnation letter / order to demolish was hand written versus ips format as specifics were needed ,hence the drafted letter (see the notices in docs)	Charles Haseley
Meeting	05/22/25	Contact: <None>	Charles Haseley
Inspection Notes: see pics	05/22/25	Type: Site Visit Result: Fail	Joseph Vaccarella
Meeting	05/22/25	Contact: <None>	Charles Haseley
Phone Call Received	06/04/25	Contact: Wieslaw Walawender Call Notes: wies called stated he would like to save building and there is a invested party of whom wishes also to save the structure (unkown to this office , or in records as having a vested interest) .I stated at todays costs of materials, the required builsiding analasis costs , and labor to bring the home into compliance with the applicable codes are assumed to be over % 50 percent of the the assessed valueand if that is true per code i would be unable to write the permit . he wished to be heard i relayed the town board would through a hearing allow for him to present his oposition . in the iterim I sugested he gather and put together a plan to present to the board to include information and official comment from the so -called vested party .	Charles Haseley

TOWN OF NIAGARA
COUNTY OF NIAGARA, STATE OF NEW YORK
NIAGARA FALLS, N.Y.

7105 LOCKPORT ROAD
NIAGARA FALLS, NY 14305



PHONE: (716) 297-2150
FAX: (716) 297-9262
www.townofniagara.com

5/22/2025

Wieslaw J. Walawender
Owner
2742 Maple Road
Newfane, New York 14108

RE: Declaration of unsafe structure/ order to Demolish
2920 Birch Avenue – Single family Home
Tax Map # 144.26-4-64

Dear Wieslaw J. Walawender,

As owner of record of 2920 Birch Avenue as referenced above and further referenced here within, this letter is to serve notice 2920 Birch Avenue has been found to be Dangerous, and a public nuisance by this office.

The Conditions found to exist at 2920 Birch Avenue during a complaint confirmation inspection on 5/21/2025 by a Town code enforcement officer as defined by Town of Niagara Code (TNC) Chapter 121, section 121-1 definitions were dangerous and unsafe and therefore a public nuisance per section 121-4. The following conditions were observed:

- The single family home is not currently occupied, nor has it been occupied, being vacant for over five years. Dangerous as defined by (TNC) Chapter 121-1 k.
- The Domestic water supply service has been shut off since the year 2012. Dangerous as defined by (TNC) Chapter 121-1 E,F. and I.
- Roof assemblies, wall sections and numerous windows are in such state of disrepair that they are no longer performing their functions, affording no protection from damage and the ill affects of the elements to 2920 Birch Avenue and or protect the health, morals, safety and general welfare of human beings who may live therein. Dangerous as defined by (TNC) Chapter 121-1 C, D, E, F, H, I, and J.
- Electrical system and equipment exposed to water (fire hazard), requiring abatement per the Property maintenance Code of New York State is Dangerous as defined by (TNC) Chapter 121-1 D, E, I, and J.
- Numerous structural members of the roof and exterior walls are missing and or deteriorated to the point the no longer can carry the imposed vertical / lateral loads. Dangerous as defined by (TNC) Chapter 121-1 A, C, D, E, H, I, and J.

2920 Birch Avenue, being an unsafe dangerous structure as described above shall be demolished in its entirety as required by (TNC) Chapter 121 Unsafe Building, section 121-2 Standards for Repair, Vacation or Demolition, subsection 121-2 C.

Failure by you as owner of this dangerous structure to take the appropriate actions to raze 2920 Birch Avenue within the allotted timeframe to comply, (30 days from date of this notice) as is reasonable will result in the Town taking any and all actions to gain compliance to include the Town causing the demolition of 2920 Birch Avenue, with the associated costs charged against the land being added to the tax rolls as an assessment and lien against the property, as afforded in section 121-6 Duties of the Town Board , subsection 121-6 E.

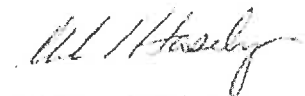
Enclosed for your use is a building permit application form of which can be filed with the department of inspections for the demolition of 2920 Birch Ave.

The Town of Niagara Water and Sewer department shall be notified and a permit is required for the divorcing and capping of the utilities and collection of the Towns water meter prior to issuance of this offices demo permit and prior to the associated building demo commencement.

Note: All out building/s being ancillary to the single family home located at 2920 Birch avenue will need to be razed as well.

As always should you and or any of your agents have any questions in this matter please do not hesitate to contact the undersigned.

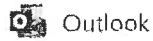
Respectfully,



Charles E. Haseley
Building Inspector

CC: Town of Niagara Supervisor – Sylvia Virtuoso
Town of Niagara Attorney - Mike Risman
Town of Niagara Assessor – James Bird
Town of Niagara Water and Sewer Superintendent – Brian Beiter

Encl.



unsafe structure update / 2920 Birch AVE.

From Charles Haseley <chaseley@townofniagara.com>

Date Tue 7/15/2025 2:52 PM

To Sylvia Virtuoso <svirtuoso@townofniagarany.gov>; Johnny Parks <jparks@townofniagara.com>; Charles Teixeira <CTeixeira@townofniagara.com>; Mike Lee <mlee@townofniagara.com>; Marc Carpenter <MCarpenter@townofniagara.com>

Cc 'Risman, Michael' <mrisman@hodgsonruss.com>; Assessor <assessor@townofniagara.com>

1 attachment (5 MB)

town board memo pkge.pdf;

Please find attached package for your viewing/use.

Company Name

Memo

To: Distinguished Town Board Members

From: Charles E. Haseley

cc: Mike Risman , James Bird

Date: 7/15/ 2025

Subject: Notice of non-compliance / unsafe structure known as 2920 Birch Ave.

Dear Board Members,

This correspondence is to satisfy my obligations as directed by Town of Niagara Code ,Chapter 121 unsafe structures ,section 121-5 E. by serving notice that the owner of the above referenced unsafe structure has failed to comply with written orders from this department to raze 2920, Birch within the allotted timeframe to comply.

The owner has theorized that he could make required repairs of the structure as he felt it is not damaged to 50%, nor would the costs of the needed repairs to bring the structure back into compliance with the applicable building codes reach 50% of the assessed value of the home.

To verify his claims, he was informed by this office that a licensed design professional would need to perform a building/code analysis and in writing provide a document in sufficient detail of the damage and state of disrepair of the structure and code deficiencies found exists to this office to establish the % of damage and in addition the required building permit application and associated code constructions plans that illustrate how the building deficiencies found and listed in the building analysis is to be corrected , bringing 2920 Birch back into compliance with the applicable state and local codes .

To date, only an engineer written letter dated 7/5/2025 has been received of which in its text reads more like a narrative of the structures history and a concept plan to demolish a portion of the structure and repair the remaining then a detailed building analysis.

In conclusion, neither the evidence needed to verify the damage and building deficiencies remain under 50% nor that any needed repairs would be limited to under the 50% of its accessed value.

I have included the aforementioned engineer letter in addition to a copy of the original condemnation notice for your viewing.

As always should you have any questions as it pertains to this matter please do not hesitate to give our office a jingle.



KAUTZ ENGINEERING

LICENSED PROFESSIONAL ENGINEER

NEW YORK

05.JUL.2025

Charles E Hasley
Building Inspector
Town of Niagara
7105 Lockport Road
Niagara Falls, NY 14108

RECEIVED

JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP. OFFICE

Re:2920 Birch Ave. Niagara Falls, NY
SBL 144.26-4-64

Owner of Record: Mr. Wieslaw J. vonWalawender (Owner)

The subject property presents as a wood frame construct that consists of at least three (3) distinct builds: the original two story single family dwelling built in 1936, a three (3) season sun-room addition to the south side (street / front) of the original structure and a two (2) story addition to the north (rear side) of the original structure. The two story addition precipitated the entire structure to become multi-family dwelling.

Owner reports that at some point in time during November 2021 an object fell from the sky, impacting the two story addition, that caused extensive damage to that portion of the building. As this was during the COVID lock-downs, construction was at a stand still. Therefore the structure was left open to the elements, which has caused further damage.

There is a two story wood garage to the north east corner of the property.

The Town of Niagara issued a Notice of Condemnation on 5/22/25 on the dwelling.

Owner proposes the following as a solution to the current situation:

1. Demolish the entire two story addition attached to the original 1936 structure. This action will not only remove the "second living unit" from the property, returning it to a "single family dwelling", but also eliminate the majority of physical damage and code violations.
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Replace windows and exterior doors on an as needed basis.
Repair the roof(s) with new sheeting (as required), install all new underlayment and shingles. Also, install new soffits and gutters.

31 CINDY DRIVE WILLIAMSVILLE, NY 14221
E-MAIL dkautz@roadrunner.com
CELL (716) 983-3856



KAUTZ ENGINEERING

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NEW YORK

Repair electrical as required to bring property up to current code
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Replace the furnace
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Clear the lot of accumulated vegetation and debris.

The Owner proposes to perform this work himself as he presents as having the needed tools, equipment and skills necessary. Owner further states that he has certain needed materials (i.e. shingles, furnace, etc.) currently in hand. Where code demands licensed craftsmen (i.e. electrician and or plumber) that work will be contracted.

Given that this proposed path would not require contractors, except as noted above, nor even direct labor charges and that certain portions of required materials are already in hand, the cost of these repairs are projected to be well below the \$22,500 (50% of 2025 tax assessment of \$45,000).

If this plan concept is acceptable to the Town, the owner will supply material cost estimates to support the claims above and apply for the needed permits as soon as possible.

Sincerely,

David J. Kautz, PE

RECEIVED

JUL 14 2025

TOWN OF NIAGARA
BLDG. INSP. OFFICE

31 CINDY DRIVE WILLIAMSVILLE, NY 14221
E-MAIL: dkautz@roadrunner.com
CELL (716) 983-3856

[Added 3-13-1990 by L.L. No. 5-1990]

Before a building or structure is demolished, a demolition permit shall be obtained from the Code Enforcement Officer's office on forms provided by that office.

§ 121-4. Declaration of public nuisances.

All dangerous buildings within the terms of § 121-1 of this chapter are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

§ 121-5. Duties of Code Enforcement Officer.

The Code Enforcement Officer shall:

- A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.
- B. Inspect any building, wall or structure reported, as hereinafter provided for, by the Fire or Police Departments of this town as probably existing in violation of the terms of this chapter.
- C. Notify personally or in writing the owner or some one of the owner's executors, legal representative, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said property at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes or in the office of the County Clerk, of any building found by him or her to be a dangerous building within the standards set forth in § 121-1 of this chapter that:
[Amended 10-27-2015 by L.L. No. 5-2015]
 - (1) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this chapter.
 - (2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
 - (3) Any mortgagee, agent or other persons having an interest in said building or exercising dominion and control over said premises may at his, her, or its own risk repair, vacate or demolish said building or have such work or act done, provided that any person, firm, partnership or corporation notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- D. Set forth in the notice provided for in Subsection C hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.
- E. Report to the Town Board any noncompliance with the notice provided in Subsection C and D herein.
[Amended 5-26-1981 by L.L. No. 2-1981]
- F. Appear at all meetings and public hearings conducted by the Town Board to testify as to the condition of dangerous buildings.
[Amended 5-26-1981 by L.L. No. 2-1981]
- G. Place a notice on all dangerous buildings reading as follows: "This building has been found to be dangerous building by this Code Enforcement Officer. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, or some one of the owner's executors, legal representatives, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having vested or contingent interest in the same, as shown by the records of the Receiver of Taxes or in the office of the County Clerk, of any building found by me to be a dangerous building within the standards set forth in § 121-1 of this chapter. It is unlawful to remove this notice until such notice is complied with."
[Amended 10-27-2015 by L.L. No. 5-2015]

§ 121-6. Duties of Town Board.

[Amended 5-26-1981 by L.L. No. 2-1981]

The Town Board shall:

- A. Upon receipt of a report of the Code Enforcement Officer, as provided in § 121-5E of this chapter, give written notice to the owner or some of the owner's executors, legal representatives, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having a vested or

contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some of the owner's executors, legal representatives, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other persons having a vested or contingent interest in the same, as shown by the records of the Collector of Taxes of the Town of Niagara and/or the office of the Niagara County Clerk, and said notice shall contain a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the same to be made safe and secured or removed. Such service is to be made by registered mail, a copy of such notice shall be posted upon the premises. Said notice shall further provide that the person or persons, firm, partnership, or corporation so notified shall appear before the Town Board on a date specified in the notice to show cause why the building or structure reported to be in a dangerous condition should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Code Enforcement Officer's notice provided under this chapter.
[Amended 10-27-2015 by L.L. No. 5-2015]

- B. On the date provided in such notice hear such testimony as the Code Enforcement Officer or owner or the owner's legal representatives, executors, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having a vested or contingent interest in the premises, as shown by the records of the Collector of Taxes of the Town of Niagara and/or the office of the Niagara County Clerk, shall offer relative to the condition of the building.
[Amended 10-27-2015 by L.L. No. 5-2015]
- C. Make written findings of fact from the testimony offered pursuant to Subdivision B as to whether or not the building in question is a dangerous building within the terms of this chapter.
- D. Issue an order, based upon findings of fact, commanding the owner or the owner's legal representatives, executors, agents, lessees or any person, firm, partnership or corporation who is the occupant, mortgagee in possession of the premises, or who shall have exercised dominion and control over said premises at the time the property became or was abandoned, dilapidated, deteriorated, decayed or unattractive, or any other person having a vested or contingent interest in the premises, as shown by the records of the Collector of Taxes of the Town of Niagara and/or the office of the Niagara County Clerk, to repair, vacate or demolish any building found by the Town Board to be in a dangerous condition within the terms of this chapter, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building, or any other person not the owner of said dangerous building having an interest in said building may demolish said dangerous building at his or her own risk, cost and expense to prevent the acquiring of a lien against the land upon which said dangerous building stands by the Town as provided in Subsection E hereof.
[Amended 10-27-2015 by L.L. No. 5-2015]
- E. If such person, firm partnership or corporation fails to comply with the order provided for in Subsection D hereof, within 10 days of the mailing of the notice and order, the Town Board shall cause such dangerous building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided in § 121-2 of this chapter and shall, with the assistance of the Attorney for the Town, cause all costs of such repair, vacation or demolition to be charged against the land on which such building existed as provided under § 130, Subdivision 16g, of the Town Law of the State of New York, provided that in cases where such procedure is desirable, the Town Board may commence litigation seeking the costs of demolition, including reasonable and necessary legal expenses incidental thereto from the owner, occupant, mortgagee in possession or other person, firm, partnership or corporation who shall have exercised dominion and control over said premises, of any building or structure that may now or shall hereafter become dangerous or unsafe to the public, as provided in § 78-b of the General Municipal Law of the State of New York, or cause such costs to be added to the tax rolls as an assessment and lien against the property.
[Amended 10-27-2015 by L.L. No. 5-2015]
- F. Report to the Attorney for the Town the names of all persons not complying with the order provided for in Subsection D hereof.

§ 121-7. Penalties for offenses.

- A. Violation of any of the provisions of this chapter is hereby declared to be an offense against such chapter.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both.
[Amended 5-19-1998 by L.L. No. 3-1998]

§ 121-8. Emergency cases.

[Amended 5-26-1981 by L.L. No. 2-1981; 7-19-2022 by L.L. No. 3-2022]

In cases where it reasonably appears that there is immediate danger to the life, health, or safety of any person, the Code Enforcement Officer shall report such facts to the Town Board, and the Town Board shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in § 121-6E hereof. In the event of emergency repairs, vacation, or demolition of a dangerous building, the property owner or another party with a legal interest in the property may bring a New York State civil Article 78 proceeding in New York State Supreme Court, Niagara County, to review the determination to take emergency action with respect to the subject building within 120 days of the Town Board determination to take such action.

§ 121-9. Owner absent from Town.

Application for Building Permit

Town of Niagara, 7105 Lockport Road, Niagara Falls, NY 14305



Complete the following information: Incomplete applications will be returned

1. Name of Applicant: _____
2. Address of Applicant: _____
3. Phone Number: _____ Email: _____
4. Project Owner: _____
5. Project Address: _____ Tax Map # _____
6. List all Contractors and addresses (as applicable)
7. GC: _____
8. Electrician: _____
9. Plumber: _____

Please Provide the Following: ☒ Survey of Property
☒ Plans & Specifications
☒ Estimated Cost of Project \$ _____
☒ Valid Workers Compensation form

Description of Project _____

ACTION: ☐ Erect ☐ Demolish
☐ Alter ☐ Repair
☐ Add ☐ Other _____

MATERIAL: ☐ Frame ☐ Steel
☐ Masonry ☐ Other _____

USE: ☐ One Family ☐ Apartment ☐ Detached Garage ☐ Fence
☐ Two Family ☐ Commercial ☐ Shed ☐ Pool
☐ Multiple Family ☐ Industrial ☐ Other _____

Size of Structure: Width _____ Length _____ Height _____ No. of Stories _____ Square Footage _____

Note: All work within the Town of Niagara right-of-way requires a separate permit (includes driveways)
Pursuant to Town of Niagara Code Chapter 155, §155-14 A. Inspections, states; Work for which a building permit has been issued under this chapter shall be inspected for approval prior to enclosing or covering any portion thereof, and upon completion of each state of construction, including but not limited to building location, site preparation, excavation, foundation, framing, superstructure, electrical insulation, plumbing, heating and air conditioning. Failure to comply will result in a Stop Work Order.

All contractors shall be current with the annual Town of Niagara Business Registration. (TNC 125)

Print Name: _____

Applicant/Owner Signature: _____

Date: _____

☐ Approved ☐ Denied _____

Building Inspector/Zoning Officer Signature

[Amended 10-27-2015 by L.L. No. 5-2015]

In cases, except emergency cases, where the owner, occupant, lessee, mortgagee in possession, or person, firm, partnership or corporation exercising dominion and control over said premises is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the party in interest as described in § 121-5C to the last known address of such party in interest, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 121-10. Personal liability.

[Added 10-27-2015 by L.L. No. 5-2015^[1]]

Any person, firm, partnership or corporation who is the owner, occupant or mortgagee in possession of the premises or who shall have exercised dominion and control over said premises at the time it became abandoned, dilapidated, deteriorated, decayed or unattractive shall be personally liable for the cost of demolition, including any charges for the termination of the water and sewer lines in those instances where it is necessary. This section shall be applicable notwithstanding any fine or penalty imposed pursuant to other provisions of this chapter.

[1] *Editor's Note: This local law also redesignated former §§ 121-10 through 121-12 as §§ 121-11 through 121-13, respectively.*

§ 121-11. Administrative liability.

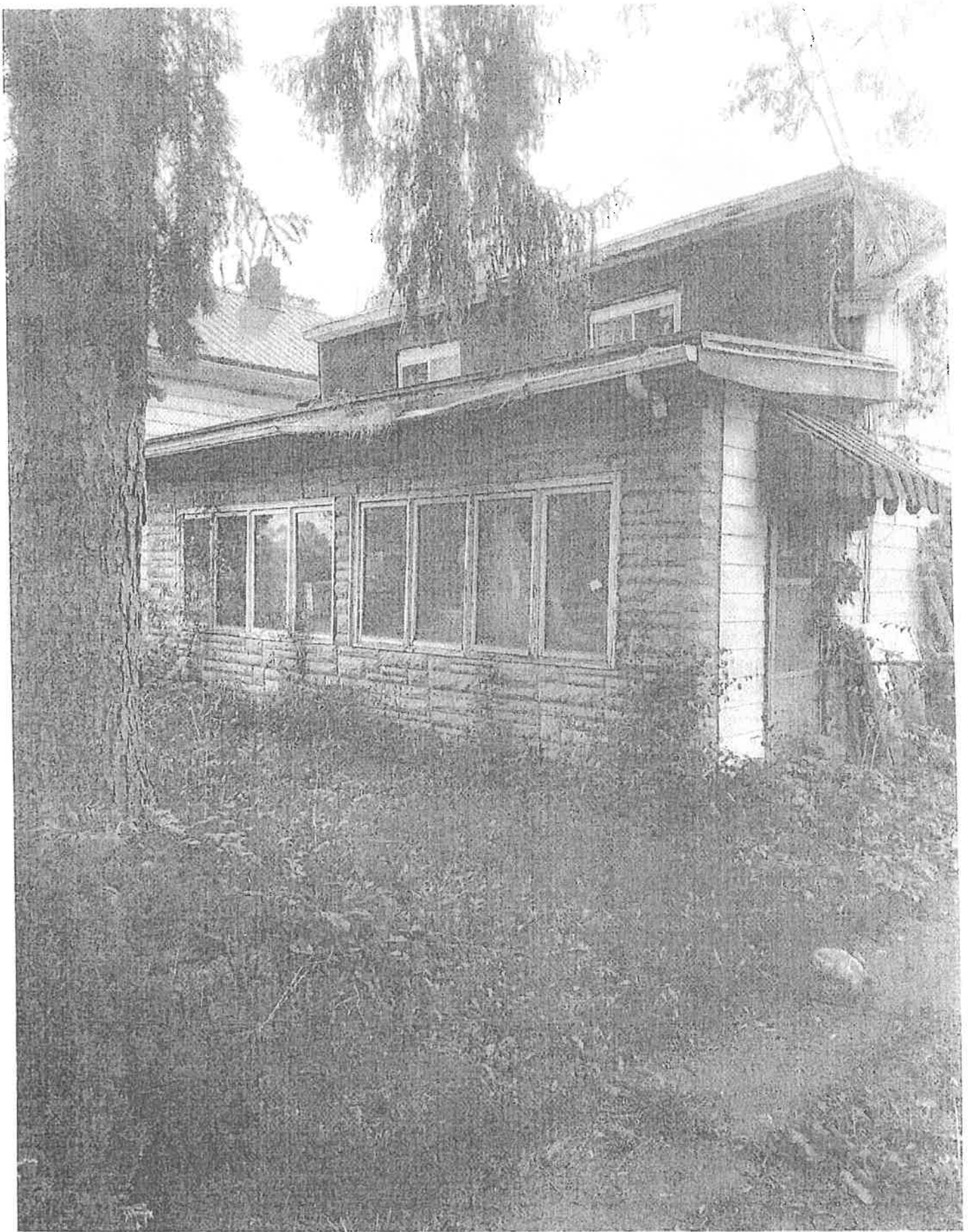
No officer, agent or employee of the Town of Niagara shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter. Any suit brought against any officer, agent or employee of the Town of Niagara as a result of any act required or permitted in the discharge of his or her duties under this chapter shall be defended by the Attorney for the town until the final determination of the proceeding therein.

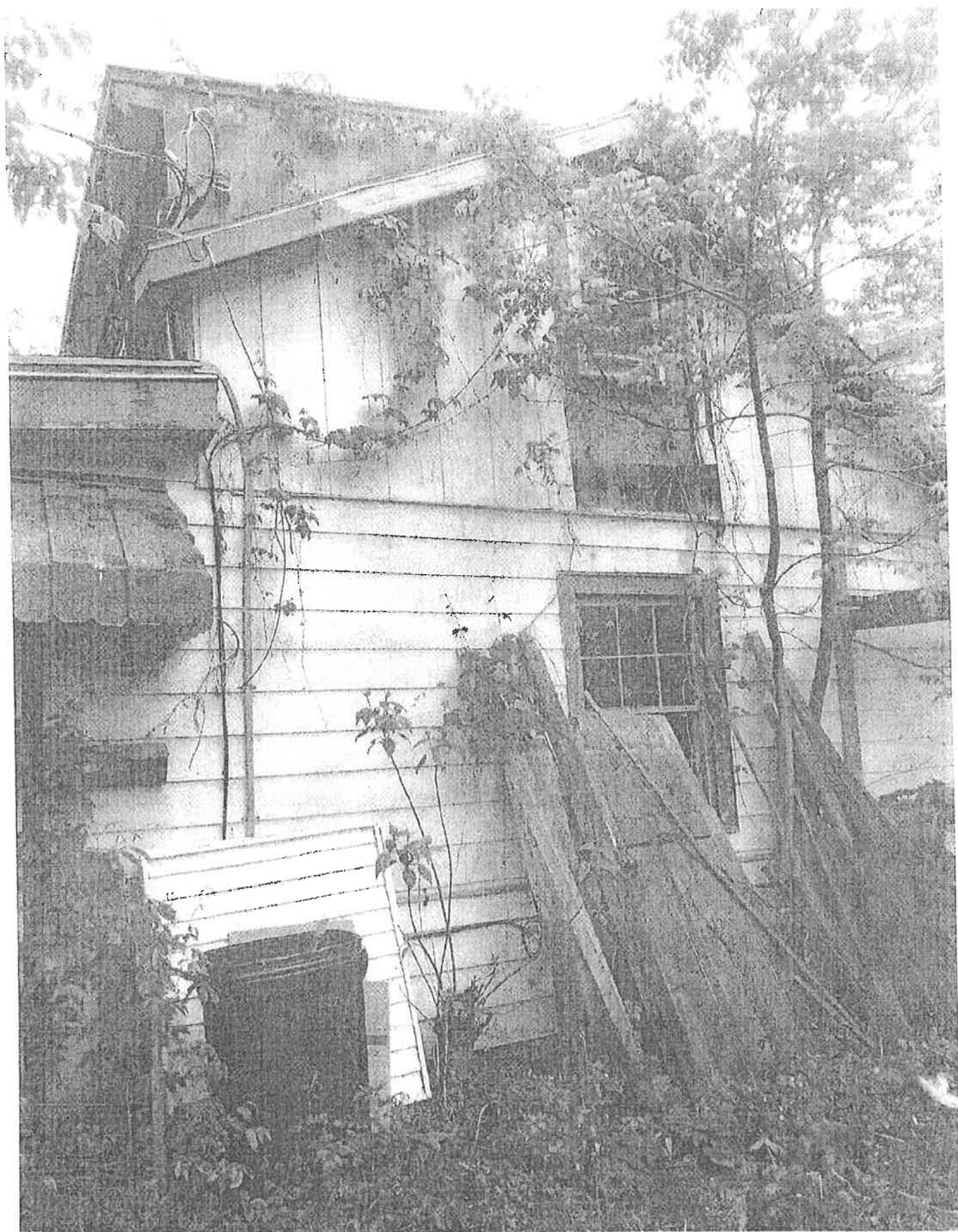
§ 121-12. Duties of fire companies.

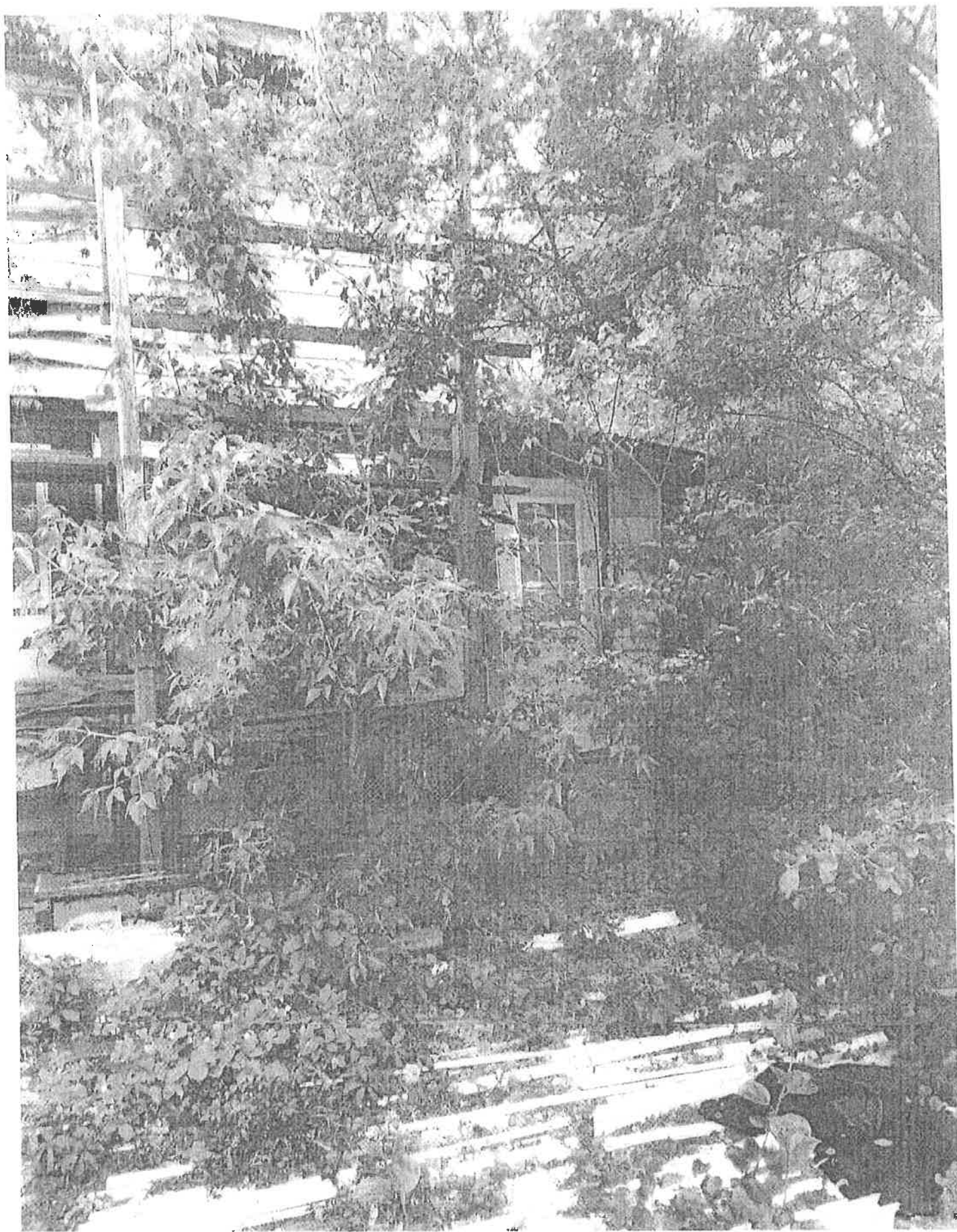
Any volunteer firefighter of any fire district located within the Town of Niagara may make a report in writing to the Code Enforcement Officer of any building or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter.

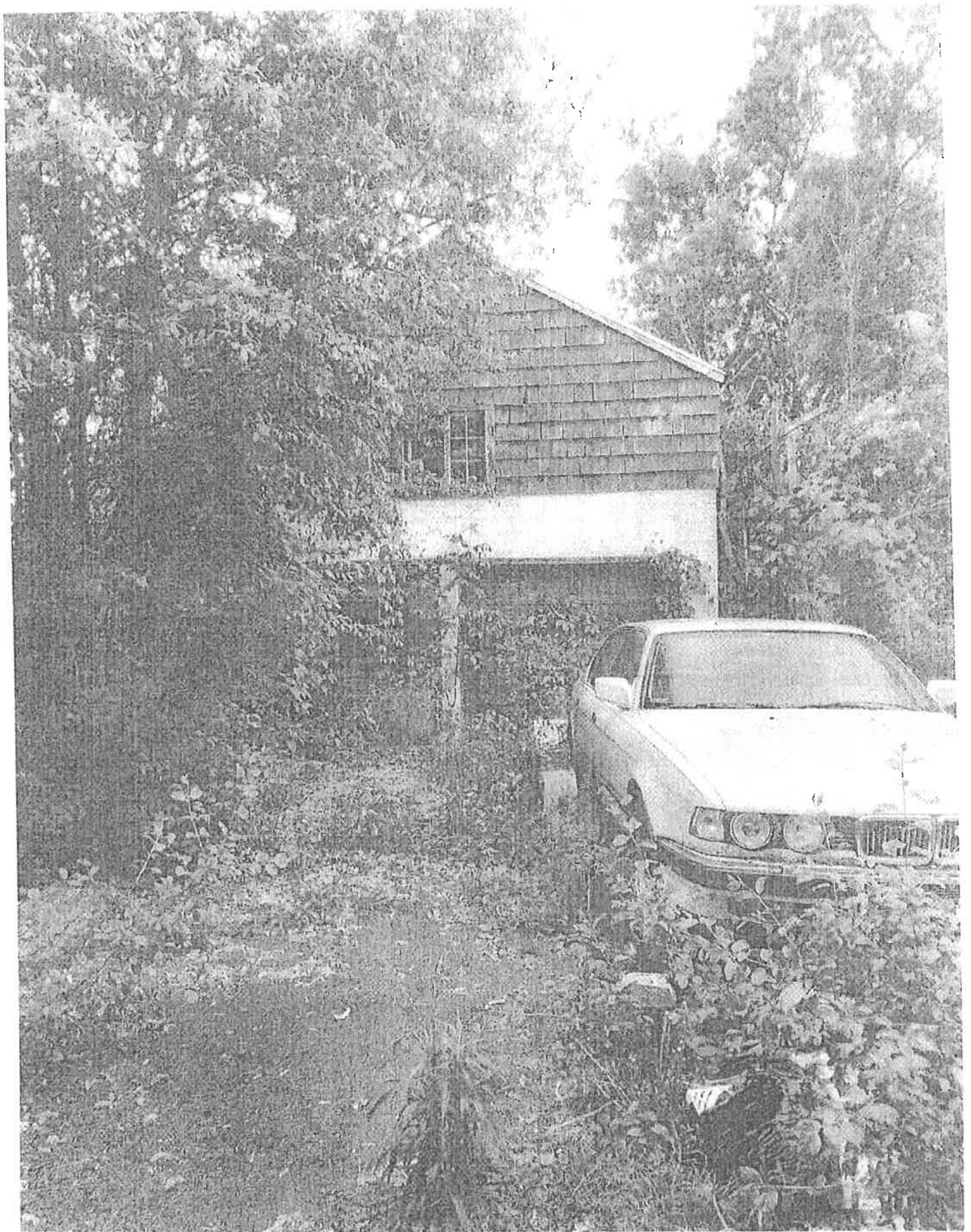
§ 121-13. Duties of Police Department.

All employees of the Police Department, constables or any other law enforcement official shall make a report in writing to the Code Enforcement Officer of any buildings or structures which are or may be deemed to be dangerous buildings within the terms of this chapter. Such reports must be delivered to the Code Enforcement Officer within 24 hours of the discovery of such building.









DEPARTMENT OF INSPECTIONS
CONDEMNED

This Structure Is Declared Unsafe For Human
Occupancy or Use. It Is Unlawful For Any Person
To Use or Occupy This Building.

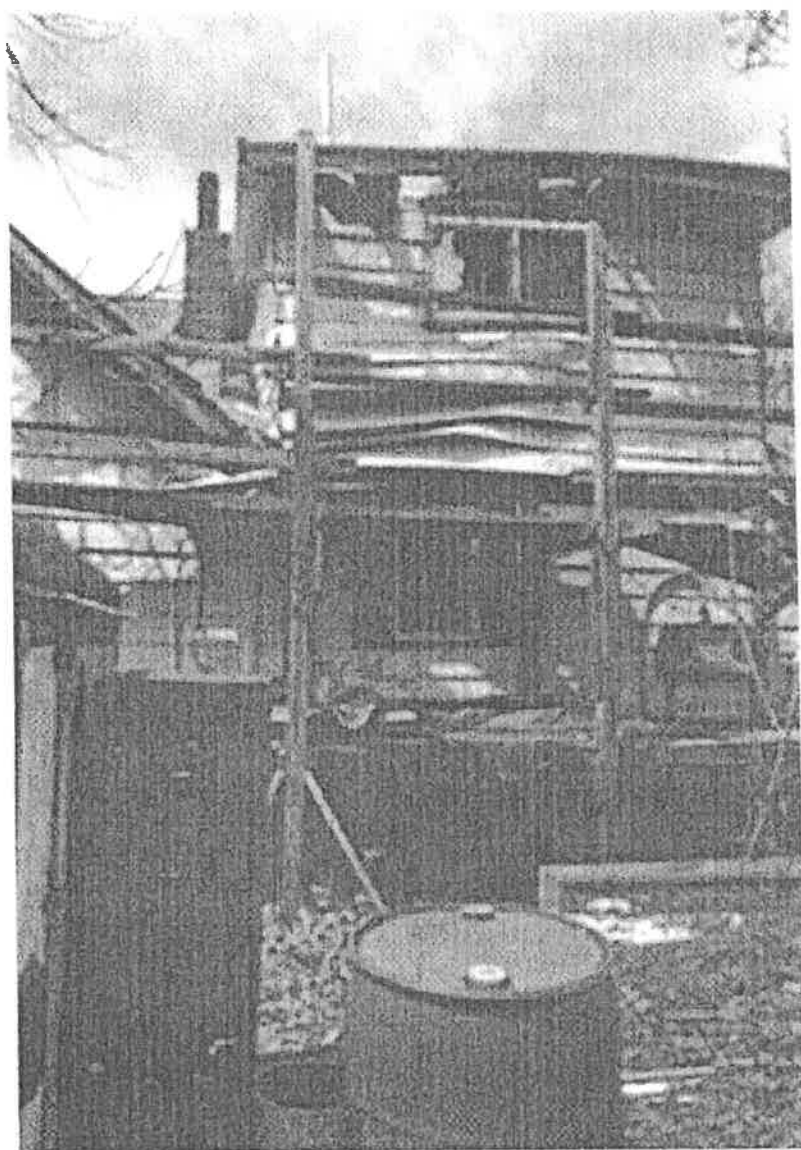
710 West Avenue
Any Unauthorized Person Removing This Sign
WILL BE PROSECUTED

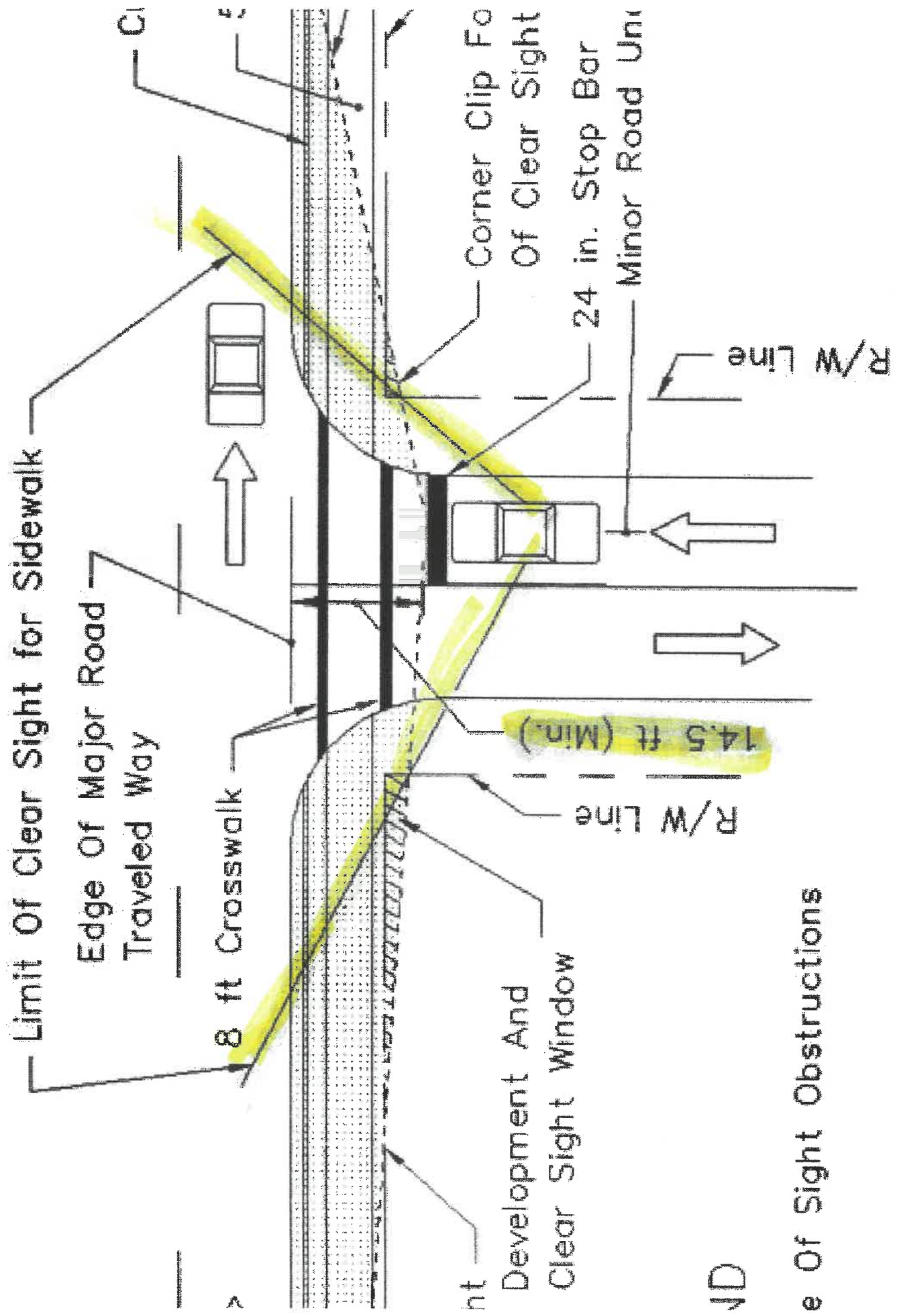
APR 11 1957

FOR OFFICIAL USE

J. L. ...



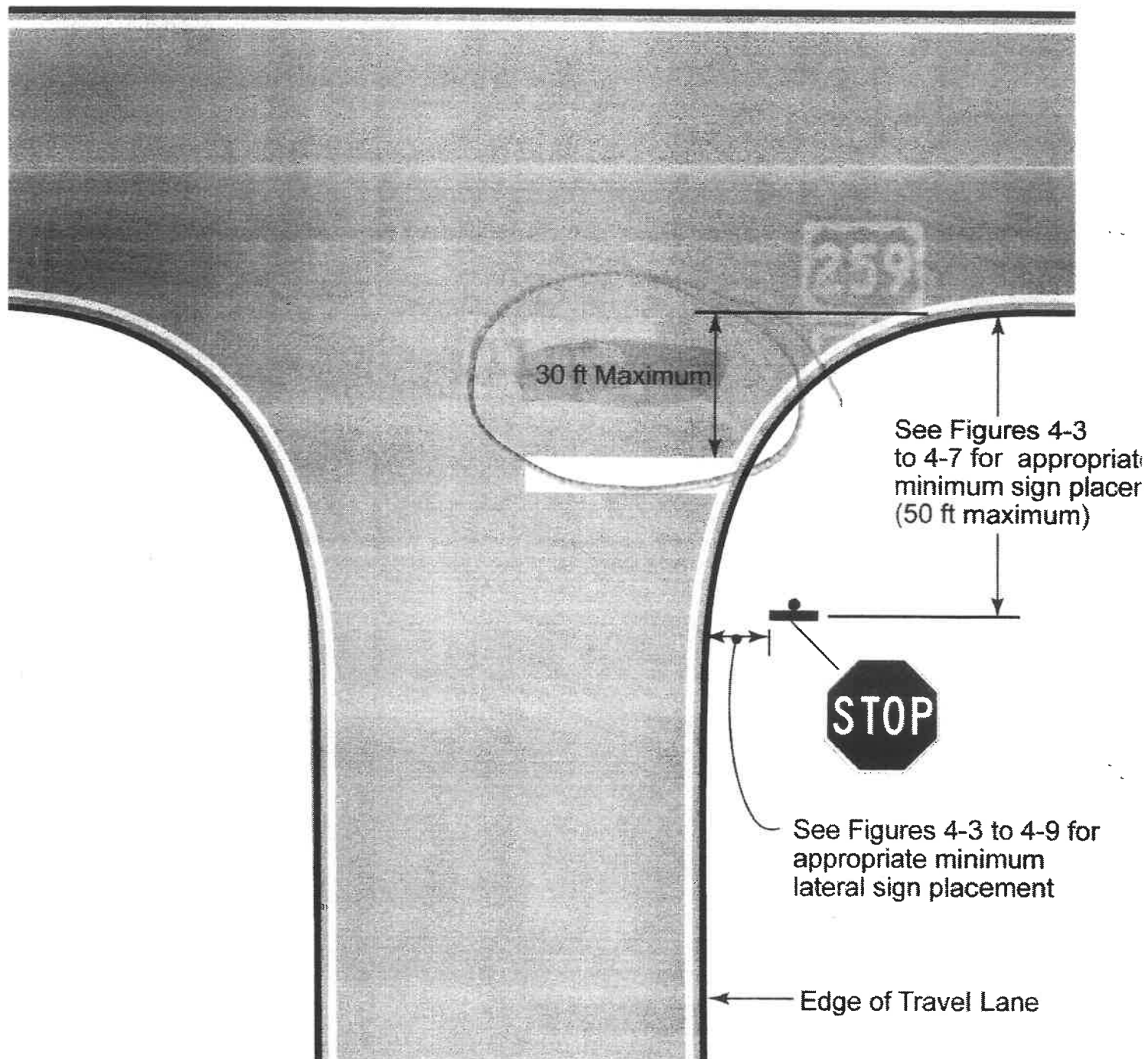
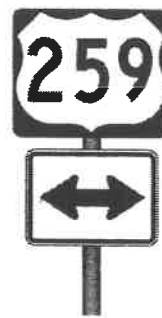




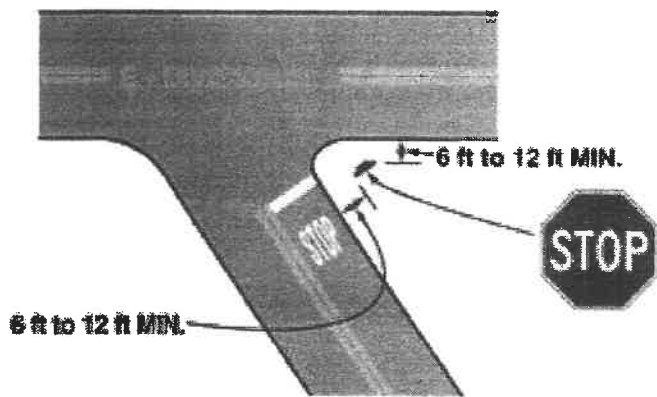
4D

e Of Sight Obstructions

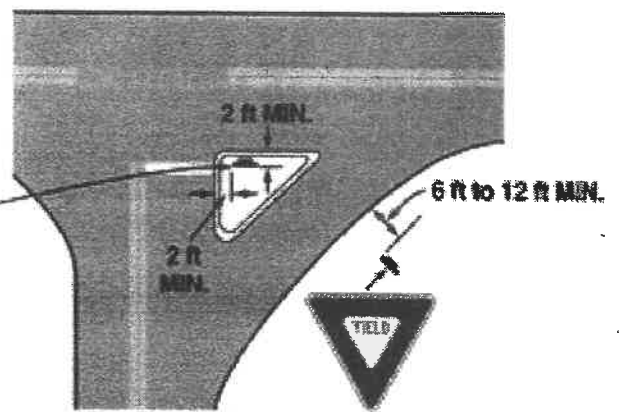
This sign should
be in line with
approach signs



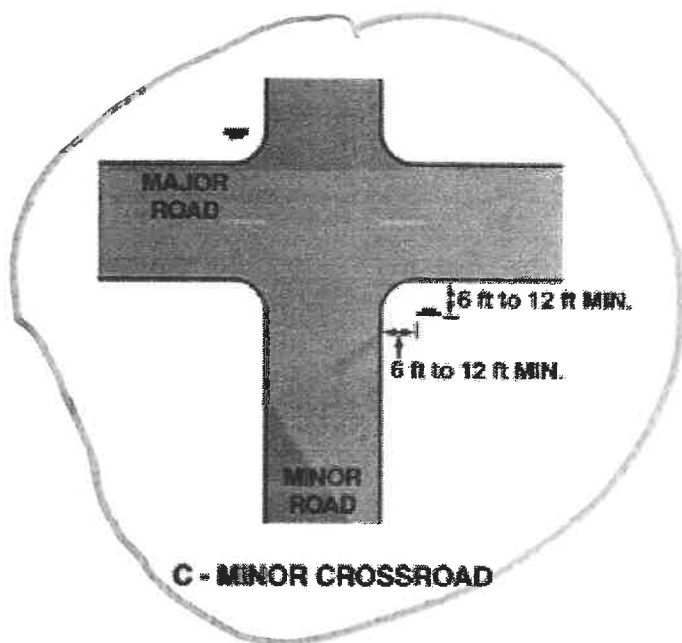
Cross-Reference: Texas MUTCD Section 2B.10, and Figure 2A-3.



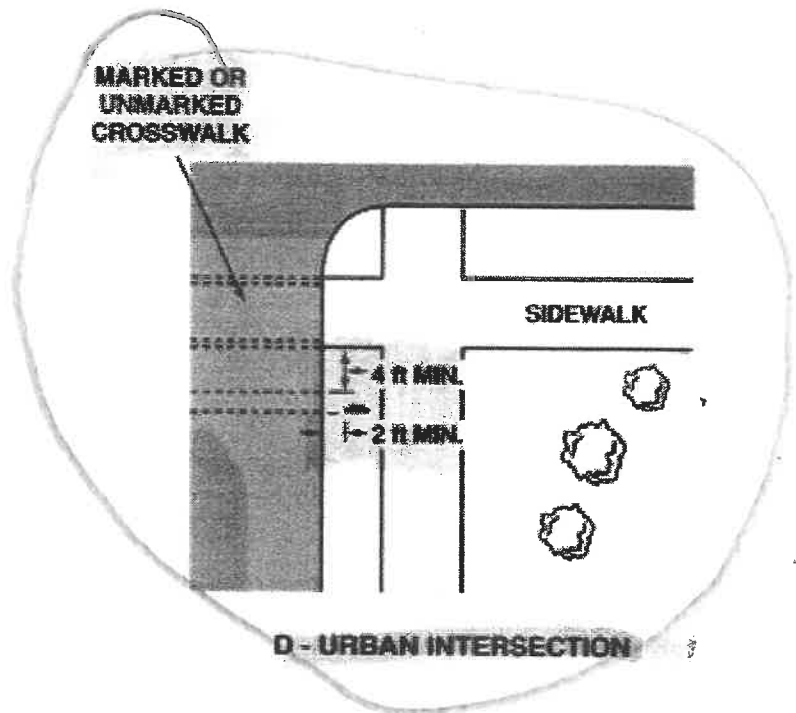
A - ACUTE ANGLE INTERSECTION



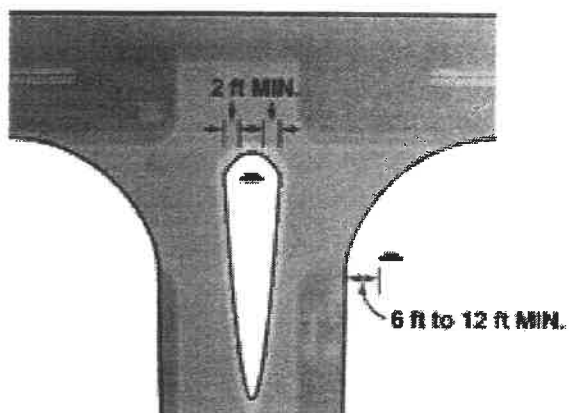
B - CHANNELIZED INTERSECTION



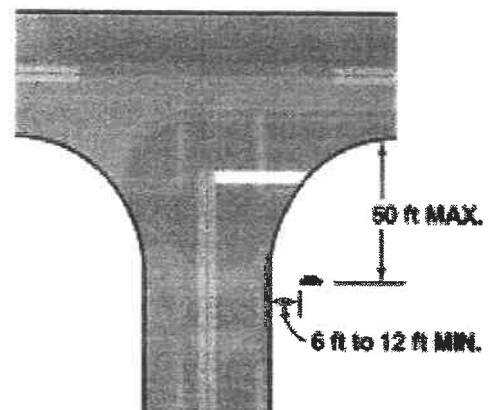
C - MINOR CROSSROAD



D - URBAN INTERSECTION



E - DIVISIONAL ISLAND



F - WIDE THROAT INTERSECTION

Minor offset is a minimum of 2 feet measured from the edge of the shoulder or

Figure 305-17. Examples of Yield Lines at Unsignalized Midblock Crosswalks

