

**COUNCIL MEETING**  
**Tuesday, September 2, 2014**  
**lackawannany.gov.**

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Henry Pirowski presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Pirowski.**

**Meeting called to order**  
**NB: Meeting being recorded**

**Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis, Pirowski**  
**Dept. Heads: Present: Law, Development, Public Works, Recreation,**  
**Excused: Comptroller**

**Approval of Minutes:** of regular meeting of August 13, 2014

Moved by Pirowski, seconded by Jerge to adopt minutes of regular meeting of August 13, 2014 as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Departmental Reports:**

1. City Comptroller- A/P Check Listing #2, August 8, 2014

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski Carried 5-0

**Communications from the Mayor**

**Lackawanna Intermodal Quiet Zone**

2. To: City Council

This communication was sent to Senator Schumer-

The City of Lackawanna is experiencing a tremendous increase in train horn noise coming from the CSX intermodal train yard, located on Ridge Road in Lackawanna. All hours of the day and night, the trains are blowing their horns, in the evening, it seems to increase significantly. On cooler nights, when air conditioning units are not running, you can hear these trains throughout the City.

Recently, your office was successful in silencing intermodal noise in the neighborhood of Rogers Rd. and Cloverbank Rd. in the Town of Hamburg. The City of Lackawanna is also asking for the same courtesy.

Currently, there are four companies that operate in the CSX intermodal train yard: CS, Norfolk Southern, Buffalo Southern and South Buffalo Railway. Of these four, CSX and Norfolk Southern

are the most active, particularly at night. The residents are now complaining about the lack of quality of living, and lack of sleep for themselves and their children.

Senator, please assist us in fighting this noise pollution. You've fought for this in the Town of Hamburg and we are asking for the same courtesy.

**GEOFFREY M SZYMANSKI-MAYOR**

Moved by Pirowski seconded by Iafallo to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Communications from Department/Division Heads:**

**Memorandum of Agreement**

3. To: City Council

Please put the attached Memorandum of Agreement on the agenda for Council approval.

Thank you

**ANTONIO SAVAGLIO-CITY ATTORNEY**

**MEMORANDUM OF UNDERSTANDING**

Memorandum of Understanding, entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between the City of Lackawanna, hereafter referred to as "City" and the Lackawanna Police Benevolent Association, hereafter referred to as "PBA".

**WITNESSETH**

**WHEREAS**, the City and the PBA entered into a collective bargaining agreement for the period of August 1, 2009 through July 21, 2017; and

**WHEREAS**, the parties have agreed to this memorandum in order to avoid any misinterpretation or misapplication concerning Section 6.07 of said agreement

**NOW**, therefore, the parties agree to amend this agreement as follows, and furthermore, agree that these modifications shall become part of any future negotiated, mediated, or arbitrated contract agreement.

Section 6.07-Expenses shall be amended to add the following:

An officer who is in basic police training at the Erie County Central Police Services training Academy shall receive a meal allowance. The meal allowance will be paid at the rate of \$10.00 for each day in training and will be paid to the officer, by voucher or petty cash, at the completion of the required training academy.

**IN WITNESS WHEREOF**, the parties have executed this agreement on the date and year set forth above.

Moved by Pirowski seconded by Jerge to approve request allowing \$10 per day meal allowance for police officers in basic training at the Erie County Central Police Services

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Board of Assessment Review-Appointments**

4. To: City Council

Chapter 193, Section 523 of the Real Property Tax Law was amended effective October 1, 1986. The Law states that Board of Assessment Review members serve for a staggered term of (5) five years commencing on October 1 and expire on September 30.

Please be advised that the terms of current members, Esther Wilk and Daniel Hawrylczak, **expire on September 30, 2014.**

I ask that your Honorable Body make appointments to the Board of Assessment review by resolution no later than October 1, 2014 and transmit a certified copy (s) to all parties involved.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Jerge to approve request, City Attorney to prepare resolution for appointments to the Assessment review Board

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Sale of Property**

5. To: City Council

The three (3) ordinances attached are from the City Council meeting of August 13, 2014, which are for property purchases already approved by the City Council.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Pirowski seconded by Iafallo to receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Public Safety Director**

6. To: City Council

It has been past practice to hire a Director with minimum experience as a Lieutenant for this position, in violation of the Charter, due to the extremely limited pool of candidates available. Therefore, I am requesting your approval of the attached Local Law changing the requirements to enable the City to have access to a larger amount of candidates for the job.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

**NO MOTION FROM COUNCIL- MOTION FAILED**

**Communications from Citizens:**

**Purchase Offer – Mosque – Ridge Road Properties**

7. To: City Council

I am writing this letter requesting the Lackawanna City Mayor and the Lackawanna City Council to release the six vacant lots located on 113, 117, 121, 125 and 135 Ridge Road. This property was sold to the Lackawanna Islamic Mosque/Yemenite Benevolent Association during the council meeting on Monday, June 6, 2011.

I would like to remind you that this land is very critical to the safety of our children, staff, community members, and drivers on Ridge Road. As you are aware, the school located on 109 Ridge Road does not have any access to allow for safe drop off and pickup of young children. Young children are being dropped off on Ridge Road during the morning rush-hour and picked up

during the afternoon rush-hour. This is putting many children, staff, community members, and drivers at risk and causing a tremendous traffic jams and delays.

This land was purchased from the City to be incorporated into the school project and to elevate these safety concerns; however, up to date we are still waiting for the City to finalize the sale of this property.

Please keep in mind that many minor accidents have occurred involving vehicles carrying young children and we've been blessed that no one was injured. Let us not wait until someone is injured or killed before actions are taken. The lives of our children are much more important than politics. I urge you to look into this very urgent matter during your upcoming meeting. If you have any questions please feel free to contact me.

**ANWAR AL-KALAI-PRESIDENT –LACKAWANNA ISLAMIC MOSQUE**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Bethlehem Park Halloween Parade**

8. To: City Council

Saturday, October 25, 2014 at appr. 3:30 P.M. will be our 24<sup>th</sup> annual Bethlehem Park Halloween Parade. Any Public Safety parade assistance is also greatly appreciated.

We are also in the process of reforming the Bethlehem Park BLOCK CLUB Association. Dates and times to be announced.

On behalf of the residents and neighbors in Beth Park, we ask permission for use of the Pappy Amadori Memorial Bocce Club from your honorable body to host both/all of these events.

I thank you all in advance for your consideration of these requests.

**ANDREA HAXTON**

Moved by Pirowski seconded by Jerge to grant request

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Bethlehem Steel Property – Proposed Project**

9. To: City Council

My name is John Nowak, I live at 140 Leonard Street and am a life time citizen of the City of Lackawanna.

I'm requesting the council take under advisement the prospectus "Bethlehem Waterfront Park Project" and during the next council meeting to permit me to speak briefly about a design layout shown in a graphical display and answer perhaps any questions.

I ask that the city council would take under advisement, to support the director of development, Mr. Fred Heinle, to distribute the prospectus to prospective developers, State & Federal officials for additional potential funding, the New York State Commission deciding a potential new location for the Buffalo Bill's Stadium, and any other parties of interest. This to gauge the viability of the project going forward for the betterment of the city and its citizens.

**JOHN JEROME NOWAK**

Moved by Pirowski seconded by Jerge to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Well Street – Request to Rename**

10. To: City Council

We the congregation of the Potter’s House of God in Christ are humbly submitting this request to the City of Lackawanna to rename Well Street “Elder Daniel J. Lewis Way”.

As you are aware, Potters’ House Church of God in Christ, formerly known as the Lackawanna Church of God in Christ is the oldest incorporated Church of God in Christ in the State of New York.

Elder Lewis will be celebrating three years of Pastoralship on Sunday, August 31, 2014. As Pastor, he is an awesome teacher and outstanding leader. He is experienced in business, with emphasis on budgeting and financial planning.

Potters House owns properties on Well Street, it is our desire to develop the land and bring viable service to the City of Lackawanna’s youth, seniors and assist development and mentally disabled. Furthermore, the Pastor’s vision is to “Bridge the Gap” between the Church and our Community.

We pray that special consideration will be granted for this request. If you need any additional information please call.

**DENISE GOLDEN**

Moved by Pirowski seconded by Noman to receive and file

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Business License:**

**Buffalo Best Bottle & Can-** 697 Ridge Rd. - Renee Davis

Moved by Pirowski seconded by Jerge, to table for study

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Creative Valance-** 723 Ridge Rd. – Sharon Lennon

Moved by Pirowski seconded by Jerge to approve business license

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Ordinances:**

**Sale of 110 Ingham Avenue – Mamadou Balde**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer part of property known as SBL 141.52-2-64 (110 Ingham) a parcel 30 feet by 120 feet, to Mamadou Balde

**SECTION 2.** That transfer is made for the sum of \$15,000 in cash to the City of Lackawanna.

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

**SECTION 4.** That the Law Department shall prepare documents to be executed for the transfer of the property

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Sale of 116 Warsaw – Justin Zybert**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer part of property known as SBL 142.69-2-10 (116 Warsaw) a parcel 40 feet by 120 feet, to Justin Zybert

**SECTION 2.** That transfer is made for the sum of \$2,000 in cash to the City of Lackawanna

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

**SECTION 4.** That the Law department shall prepare documents to be executed for the transfer of the property

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Iafallo to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Sale of 30 Apple Street – Christopher Druzvik**

**AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 107**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the City Council hereby approves of the transfer part of property known as SBL 142.38-7-14 (30 Apple) a parcel 30 feet by 100 feet, to Christopher Druzvik

**SECTION 2.** That transfer is made for the sum of \$1 in cash to the City of Lackawanna

**SECTION 3.** That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

**SECTION 4.** That the Law department shall prepare documents to be executed for the transfer of the property

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Iafallo to adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Waive Rules**

Moved by Pirowski seconded by Lewis to waive rules  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Solar Panel Installation Project**

Please be advised that in accordance with the applicable sections of the City of Lackawanna Code; a thorough and complete review of the proposed site plan application associated with the solar panel installation within the former Bethlehem Steel Site.

There are three (3) items for your immediate attention:

- (1) Issue acceptance of the State environmental Quality Review (“SEQR”)
- (2) Final decision on the proposed Text amendment Section 230-17(D)(2)(b)(10)
- (3) Determination that the proposed development is consistent with the City of Lackawanna-Local Waterfront Redevelopment Program

Unfortunately, I failed to provide this item to the Clerk in a timely manner and would request your cooperation in suspending the rules so that these items can be addressed at the September 2, 2014 Council meeting is greatly appreciated. All the necessary and appropriate ordinances and resolutions will be provided at the meeting.

Thank you in advance for cooperation in this matter.

**FRED K HEINLE-DIRECTOR OF DEVELOPMENT**

**Resolution #14, 2014- Solar Energy**

**RESOLUTION OF THE CITY OF LACKAWANNA COUNCIL  
PURSUANT TO THE LOCAL WATERFRONT REVITALIZATION PROGRAM  
CONSISTENCY LAW FOR THE CITY OF LACKAWANNA CONCERNING THE  
DETERMINATION OF CONSISTENCY FOR THE SOLAR ENERGY PRODUCTION  
FACILITY PROPOSED BY STEEL SUN, LLC**

**Project Name:** Steel Sun Photovoltaic Solar Energy Production Facility  
**Project Description:** Application by BQ Energy, LLC (“BQ Energy”) and its affiliate, Steel Sun LLC, (collectively, “Steel Sun”) to install and operate a Solar energy production facility (“Facility”) on an approximately 22.6 acre parcel on Sub-parcels III-5 and III-6 of the Tecumseh Redevelopment Phase II Business Park  
**Location:** Tecumseh Phase III Business Park, Sub-Parcels III-5 and III-6  
2303 Hamburg Turnpike, Lackawanna, New York (“Site”)

**WHEREAS**, Steel Sun filed an application with the City for a Special Use Permit Site Plan Review and Area Variances for its proposed Facility on August 15, 2014 (“Application”); and  
**WHEREAS**, the Council is authorized and required by Section 223-1 of the Code of the City of Lackawanna (“Code”) to review any actions classified as Type I or Unlisted under Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as “SEQR”) that would be directly undertaken, approved or funded by the City of Lackawanna (“City”) for consistency with the City of Lackawanna Local Waterfront revitalization Plan (“LWRP”); and

**WHEREAS**, the Project is an Unlisted action for purposes of SEQR; and

**WHEREAS**, per Section 223-1 of the Code, a coastal zone consistency determination is required for an Unlisted action for which the City must grant any approvals; and

**WHEREAS**, in the Application, Steel Sun submitted Parts 1, 2 and 3 of the Full Environmental Assessment Form and a Coastal Assessment Form pursuant to Section 223-7 of the Code; and

**WHEREAS**, the Council has considered the full scope of the Application, including the Coastal Assessment Form; and

**WHEREAS**, the Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:**

Based upon the EAF and the CAF, the Council’ knowledge of the area surrounding the Site and the foregoing investigations of the potential coastal impacts of Project:

The Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP.

The reasons supporting this determination are as follows:

1. The low profile, green technology and private investment associated with the Project is consistent with the guidelines in the LWRP document pertaining to future redevelopment of the Bethlehem Steel Site.
2. The Project will improve the deteriorated and vacant condition of the Site, which is consistent with the goals of the LWRP.



3. The Project is compatible with the character of the area, as wind energy production facilities are located nearby.
4. Considering all of the above, the Project is consistent with the policies and purposes of the LWRP and the Project will not substantially hinder achieving the policies and purposes of the LWRP.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Lewis to adopt resolution as written  
 Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Resolution #15, 2014 – Solar Energy**

**RESOLUTION OF THE CITY OF LACKAWANNA COUNCIL PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE DETERMINATION OF SIGNIFICANCE FOR THE TEXT AMENDMENT TO ALLOW SOLAR ENERGY PRODUCTION IN THE BRA-MI DISTRICT UPON THE ISSUANCE OF A SPECIAL USE PERMIT**

**Project Name:** Text Amendment Making Solar Energy Production a Specially-Permitted Use in the Bethlehem Redevelopment Area-Medium Industry (“BRA-MI”) District

**Project Description:** The City of Lackawanna Council proposes to amend the City of Lackawanna Code (“Code”) Section 230-17 (D)(2)(b) to allow for solar energy production in the BRA-MI district upon the issuance of a Special Use Permit (“Amendment”). The Amendment will affect lands within the BRA-MI district, the area of which totals approximately 150 acres.

**Location:** Areas zoned BRA-MI located at 1951 Hamburg Turnpike, City of Lackawanna, Erie County, New York.

**SEQR Status:** Type 1 XX Unlisted \_\_\_\_\_

**Determinations of Significance:** Negative declaration XX Positive Declaration \_\_\_\_\_

**WHEREAS**, the Council is authorized and empowered by Section 230-73(A) of the Code to amend, supplement, change or repeal the regulations, restriction and boundaries established by this the Code to meet the growing and changing needs of the City of Lackawanna; and

**WHEREAS**, at its June 16, 2014 meeting, the City of Lackawanna Council (“Council”) proposed an amendment to Section 230-17 (D)(2)(b) of the Code to allow solar energy production in the BRA-MI upon the issuance of a Special Use Permit (“Amendment”) and referred the Amendment to the City Planning and Development Board (“Planning Board” for its recommendation; and

**WHEREAS**, the Project is Type 1 action pursuant to Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and regulations (collectively referred to as

“SEQR”) because it involves the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district; and

**WHEREAS**, a coordinated environmental review is mandatory for all Type 1 actions and, pursuant to 6 NYCRR 617.6(b)(1), as the Council is the only agency involved, as no other discretionary approvals are required, it is appropriate that the Council act as lead agency pursuant to SEQR; and

**WHEREAS**, at its July 10, 2014 meeting, the Planning Board recommended that the Council approve the Amendment; and

**WHEREAS**, the Council has very carefully considered the full scope of the Amendment having reviewed and considered Parts 1,2 and 3 of an Environmental Assessment Form (“EAF”) developed for the Amendment and the exhibits attached thereto; and has considered the comments and points of view of Erie County, detailed in a letter dated August 19, 2014 and of the public as expressed at a public hearing held by the Council on August 11, 2014; and

**WHEREAS**, a thorough analysis of the potential environmental impacts reveals that the Amendment will not have any significant adverse environmental impacts; and

**WHEREAS**, it is appropriate that the Council issue a negative declaration pursuant to SEQR for the Amendment;

**NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT:**

**Section 1.** Based upon thorough review and examination of the EAF and upon the Council’s knowledge of the area surrounding the BRA-MI district and such further investigation of the Amendment and its environmental effects as the Council has deemed appropriate, the Council makes the following findings with respect to the Amendment:

1. Prior to making a recommendation about the potential environmental significance of the Amendment, the Council has consulted several information sources, and has considered the list of activities which are Type 1 Actions outlined in Section 617.4 of the SEQRA regulation; and
2. The Amendment is a Type 1 action pursuant to SEQRA.
3. The Council is lead agency for purposes of SEQRA as no other agencies have a discretionary approval concerning the Amendment.

**Section 2.** No potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Council.

**Section 3.** Based upon the foregoing investigations of the potential environmental impacts of the Amendment and considering both the magnitude and importance of each environmental impact indicated, the Council makes the following determinations with respect to the Amendment:

The Amendment will not have a significant adverse impact upon the environment.

The reasons supporting this determination are as follows:

1. **Impact on Land-** The Amendment is a highly appropriate use within the zoning for the BRA-MI, in which the Amendment is proposed. Currently, wind energy is permitted within the BRA-MI with a Special Use Permit. As solar energy production is a much less intensive land use than wind energy production, it is consistent with the land uses allowed in the BRA-MI and a highly desirable use for the BRA-MI. The BRA-MI is intended to encourage “nonsmokestack” manufacturing while remaining compatible with both the Heavy Industry and Light Industry districts. The Amendment is a “nonsmokestack: commercial use. Also, the Amendment is

consistent with the City's Local Waterfront Revitalization Program. The low profile, green technology and private investment associated with the implementation of renewable energy within the BRA-MI is consistent with the guidelines in the Local Waterfront Revitalization Program document pertaining to future redevelopment of the Bethlehem Steel Site. The addition of solar energy production within the BRA-MI is also consistent with the City of Lackawanna's Comprehensive Plan and its policy pertaining to development of the Bethlehem Steel Site, including the goal of returning Brownfield sites to productive uses in accordance with restrictions included in the specific remediation plan for each site. The construction and operation of solar energy production facilities in the BRA-MI district will not impact on-going investigative and remedial activities being conducted at and around BRA-MI. The BRA-MI is also ideal for the implementation of solar energy production due to the permeability of underlying slag material and the slag cover system requirements in place for remedial programs underway on the BRA-MI property. The Amendment is not anticipated to create any potentially significant adverse environmental impacts to land resources.

**2. Impact on Water**- Although the BRA-MI is situated nearby Lake Erie and Smoke's Creek, the construction and operation of solar energy production facilities will not result in any adverse impacts to these surface waters. Solar energy production facilities will not create new water bodies, cause soil erosion, or create new demand for water. Thus, the Amendment will not result in adverse impacts on surface waters.

**3. Impact to Air**- Land clearing, grading and construction activities for any solar energy production as a result of the amendment will not be significant because of the history of industrial uses in the BRA-MI district. Construction activities may create minor temporary fugitive dust emissions and may result in minor emissions from construction equipment, but will not significantly affect air quality. These potential impacts will be reviewed by the City when any proposed solar energy project applies for a Special Use Permit, which will require the submission of a project-specific Environmental Assessment Form. Additionally, commercial-scale green production displaces fossil fuel generated electricity, which provides many benefits, including lower pollution, which improves air quality. As such, no adverse impacts to air anticipated.

**4. Impact on Plants and Animals**-As the former location of the Bethlehem Steel plant, the Site has been subject to extensive disturbances and does not comprise suitable habitat for plants and animals. Accordingly, the Amendment will not result in significant adverse impacts to plants or animals.

**5. Impact on Agricultural Land Resources**-There are no agricultural resources in the area of the BRA-MI and the Amendment will not have any impact upon agricultural resources.

**6. Impact on Aesthetic Resources**- Solar energy production is typically low profile, especially in comparison with wind energy production, which is permitted in the BRA-MI. Generally, solar energy production facilities are not visible from off-site. Accordingly, the Amendment will not have a significant adverse visual impact.

**7. Impact on Historic and Archaeological Resources**-According to the Local Waterfront Revitalization Program, a zone of archaeological sensitivity was identified by the New York State Office of Parks, recreation and Historic Preservation in the vicinity of route 5 and Smoke Creek. However, the historical use of the Site in association with Bethlehem Steel Corporation resulted in nearly 80 years of substantial and intensive development and industrial use of the property. Based on this historical use and the limited ground disturbance associated with solar energy production, further archaeological assessment is not necessary.

**8. Impact on Open Space and Recreation**-There are no space, recreation or critical environmental areas in the BRA-MI district. Accordingly, the Amendment will not have any impact upon open space and recreation.

**9. Impact on Critical Environmental Areas**-There are no Critical Environmental Areas in the BRA-Mi district. Accordingly, the Amendment will not have impact upon critical environmental areas.

**10. Impact on Transportation**-There will be de minimis traffic impacts associated with the construction and operation of solar energy facilities. Accordingly, no significant impacts to transportation will occur.

**11. Impact on Energy**-Solar energy production is a source of clean energy, and produces rather than uses energy. Solar energy production facilities energy demands can likely be met by existing resources. As such, the Amendment will not have a significant impact on energy resources.

**12. Impact on Noise**-In terms of noise, during the construction phase any increases in noise levels will be associated with short-term activities related to the construction of solar energy production facilities. No noise is emitted from solar energy facilities. As such, the Amendment will not have a significant impact on noise levels in the community.

**13. Impact on Odor**-Solar energy production facilities do not generate odors. As such, the Amendment will not have a significant impact on odor levels in the community.

**14. Impact on Public Health**-The Amendment allows for the creation of clean energy, which displaces fossil fuel created energy, and reduces pollution. As such, the Amendment will have a positive impact on public health.

**15. Impact on Growth and Character of Community or Neighborhood**-Applicable planning documents support the redevelopment of the BRA-MI for a mix of industrial and commercial uses to promote redevelopment opportunities. The BRA-MI is designed to promote nonsmokestack manufacturing uses, which includes solar energy production. Additionally, there are some parcels of land within the BRA-MI with substantial foundations in the ground that will make the land unsuitable for other uses. Further, wind energy production is also permitted within the BRA-MI, which is a more intensive use than solar energy production. The Amendment and the use of BRA-MI lands for solar energy production will not require any extensive changes in levels of service from community resources or facilities or adversely impact local public safety services, such as police and fire protection and will not result in material increase in solid waste generation. As such, no adverse impacts to the growth and character of the community are anticipated.

**16.** Considering all of the above, the Project will not have significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

**17.** This Negative Declaration has been prepared in accordance with the requirement of SEQRA (Article 8 of the Environmental Conservation Law).

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Pirowski seconded by Noman to adopt resolution s written  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

**Adjournment:**

Moved by Pirowski seconded by Iafallo meeting adjourned  
Yeas: Noman, Iafallo, Jerge, Lewis, Pirowski

Carried 5-0

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Henry R Pirowski-Council President

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Jacqueline A. Caferro –City Clerk