

Office of Zoning Board of Appeals
Minutes of Meeting
March 26, 2018

Call to Order: Chairman Muscatello called the meeting to order at 7:00 p.m.

- Members present: Richard W. Muscatello, Michael Schaffer, Arthur Gerbec, Arthur Kroening, Mathew F. Klettke
- Guest: Matt Martin, representing Moog, Inc.; 6686 Walmore Road, Niagara Falls, NY

Administrative Actions:

- Formally approved the ZBA meeting minutes for March 12, 2018.
 - Motion to approve the ZBA minutes made by Art Gerbec, seconded by Art. Kroening. Ayes: unanimous.
- Introduced newest ZBA member: Mathew F. Klettke.
- Protocol for Interviewing 2 candidates for the position of Secretary. Interviews will be conducted by R. Muscatello and Mike Schaffer, on Wednesday, March 28, 2018.
- ZBA members attending a tour of the MOOG, Inc., on March 24, 2018 were: R. Muscatello, Art Gerbec, and Art Kroening. Supervisor Don MacSwan also participated.

Hearing Held & Interpretations:

- 7:15 p.m. MOOG, Inc.**, requests an area variance for Property Lot #146.00-1-10.2, located at 6686 Walmore Road, to construct a scrubber building in which the roof elevation will be approximately 45 feet and 8 inches above grade and the top of the stack will be elevation of approximately 47 feet and 11 inches above grade.
- Matt Martin, representing MOOG, Inc., briefed the Board on the proposed construction of the scrubber building and stack installation, mandated by the New York DEC.
 - The following agencies approved the height mandates:
 - Niagara Frontier Transportation Authority
 - Niagara Falls International Airport
 - 914th Air Refueling Wing, AFRES, officials.
 - FAA notification submitted: no response at this time.
 - Should FAA recommendation(s) materialize, they must be addressed.
 - SEQR Findings - The Town's Planning Board determined that the MOOG proposed expansion will not have a significant adverse impact on the environment and therefore issued a Negative Declaration.
 - Exhausts will be neutralized as liquid and disposed via the sewer system, all under the supervision of the NY DEC. Effectiveness estimated to be 99.999% effective.
- Public hearing closed:

- o Motion to close the public hearing proposed by R. Muscatello, seconded by Art Kroening. Ayes: unanimous.

ZBA Board Findings: (Mandated by NYS)

1. The scrubber construction and use will definitely improve public health and safety. NY State mandated and approved this modification. Other alternatives would be cost prohibitive.
 - a. Buildings and structures on this property date back to the early 1950s. Succession of previous owners and operators were discussed. The property lies in the Town's manufacturing/industrial zoning.
2. Yes. Under current law. However, it should be noted that MOOG already hosts a long-time 63' Tower on the premises.
3. There is will not adverse effect on the neighborhood.
4. Yes. The clean air requirement brought on by NY State mandates and supported by MOOG.

Roll Call Vote:

- Yes: Art Gerbec
- Yes: Matt Klettke
- Yes: Mike Schaffer
- Yes: Art Kroening
- Yes: R.W. Muscatello
- o **Motion Approved.**

General Business:

- Meeting Schedule: April 9, 2018 @ 7:00 p.m., Building Department Conference Room, Town Hall Lower Level

Motion of Adjourn: made by R. Muscatello, seconded by Art Kroening. Ayes: Unanimous.

Respectfully submitted:

Mike Schaffer, Secretary Pro Tem (Edited for content by R. Muscatello)
Zoning Board of Appeals

Note Reminder: This meeting summary is scheduled for approval on April 9, 2018.

Distribution: ZBA Formula

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Thought for the Day: "We don't see things as they are. We see things as we are ~ Anais Nin"

