

December 8, 2025

Work Session

6:00 PM

PRESENT: Supervisor S. Broderick; Councilmembers R. Morreale, J. Jacoby, S. Waechter & J. Myers; Dep. Sup. W. Conrad; Police Chief M. Salada; Bldg. Insp. T. Masters; Finance Director J. Agnello; Hwy Sup. M. Weiss; Atty. A. Bax; Sr. Coordinator M. Olick; Eng. B. Lannon; Water Foreman D. Zahno; 1 Press; 34 Residents & Deputy Clerk T. Burns

ZOOM: WPCC Ch. Op. J. Ritter; Bldg. Insp. E. Zimmerman; 1 Press

EXCUSED: Rec. Director T. Smith

Supervisor called the meeting to order, followed by the Pledge of Allegiance and a moment of silent reflection.

Bax read the legal notice into the record

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town of Lewiston, Niagara County, New York, on the 8th day of December, 2025 commencing at 6:00 p.m. at the Town Hall, 1375 Ridge Road, Lewiston, New York, on the adoption of a "A Local Law #2 of 2025 – A Six-Month MORATORIUM on the Processing of Applications and Approvals for Site Plans and Special Use Permits Relating to Seasonal Uses, Seasonal Events and Attractions in all Zoning Districts by the Town of Lewiston Planning Board".

Said law is intended to provide time for Town Board of the Town of Lewiston to research and adopt a new law to more efficiently regulate applications for seasonal uses, events and attractions within the Town of Lewiston.

The complete text of said Law is on file at the Office of the Town Clerk and is available for review by any interested person during business hours. At such Public Hearing, all persons interested, who wish to be heard, will be heard.

Dated: November 25, 2025

Broderick said there are 10 residents signed up to speak, so each person will be allowed 3 minutes to speak. Broderick reminded everyone, this law is on a Moratorium for Special Use Permits. The law does affect the Pumpkin Farm, but is not about the Pumpkin Farm, and asked the residents to speak on the Moratorium.

Andrew Davis – 5300 Townline Road

Davis has addressed the Town Board so many times in the past concerning citizens respecting Town Code and Zoning Laws. Davis said we're at this point now because the residents at 5368 Townline Road and others, have proceeded to erect buildings and put in sidewalks and do things that would normally require a special use permit and a variance if it's in violation of Town Code. Davis supports this new law and hopes everybody becomes a law-abiding citizen and obeys the Town Code and the Zoning Laws.

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Hannah Davis – 5330 Townline Road

Davis said there are 18 residents that live around the Pumpkin Farm that are against it, all stating that they all want to return to having quiet, peaceful properties like before the King's moved in. Davis supports this Local Law and would like it to be put in to regard that the neighbors are all concerned, disrespected and want their privacy back.

Kyle King – 5368 Townline Road

King is the owner of the Niagara Pumpkin Farm and asked the Board if it is normal to hold Public Hearings on the night of a Work Session. Broderick responded yes, both Work Sessions and Regular Board Meetings. King read a letter to the Board.

“Town of Lewiston Board, I am here today to express my serious concern regarding the proposed moratorium on Special Use Permits and Site Plan approvals, which threatens my ability to plan for another upcoming season.

During the November 24th meeting, it was evident that this moratorium is closely tied to my farm's operations, a fact acknowledged by local news, community members, and attorneys. Following that meeting, your Town Attorney, Mr. Bax, assured my attorney that the moratorium was not intended to hinder my application. However, the references made during that meeting suggest otherwise, indicating that my business is at the center of this proposed freeze.

I would like to clarify a factually inaccurate claim made by the Town Attorney, the Building Inspector and Supervisor Broderick: My farm is not an “unconforming use”, and I am not operating illegally. Section 360-49 of the Lewiston Town Code explicitly permits agriculture, including farms and related operations, which I fall into. I am not considered a farm market. Furthermore, during the 2022 court proceedings, Town Judge Sheeran and your Code Enforcement Officer confirmed that my operations are permitted within the agricultural district, with the Judge stating, “your neighbor is just going to have to deal with it”.

My farm aligns with the definitions of agriculture as defined by the New York State Department of Agriculture & Markets. The safety in Agricultural Tourism Act (2017) and various Ag & Markets guidance documents classify pumpkin farms and similar activities, including hayrides, as recognized agritourism uses. These activities are integral components of modern agriculture operations, not merely “entertainment businesses”, as you all believe.

Under Agriculture & Markets Law §305-a, municipalities cannot adopt or enforce zoning laws that “unreasonably restrict” or “unreasonably regulate” farm operations within certified agricultural districts. Imposing a blanket moratorium that prevents me from applying for approvals while the Town re-writes the rules is a clear example of such an unreasonable restriction.

Unfortunately, for the past three years, I have faced targeted and inconsistent treatment from the Town, negatively impacting both my farm and construction business. A prime example from last summer involves my application for a simple deck permit through my construction company, where I was told my plans were inadequate and that I needed to hire an architect. I complied, but in the meantime, I contacted another local Building Department and confirmed my drawings met New York State Building Codes. When I contacted Tim to ask him to check the calculations again, he

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assured me they were wrong and stated, “it’s not my job to help you with your job.” The following Monday, I called the Building Department while Tim was on vacation. Ed reviewed the same plans and said, “Kyle, you’re good to go. I did the calculations, and everything looks good.” This pattern of inconsistent standards, unnecessary delays, and roadblocks appears to uniquely affect my business. Additionally, I would like to mention that my permit for an addition to my own home is still not being processed because my property is supposedly “not in compliance”, yet I still have not been informed why. This town has completely violated my rights on numerous occasions.”

Ron King – 5404 Townline Road

Ron King continued to read Kyle King’s letter.

“Furthermore, the Town’s previous attempt to remove my parcel from the agricultural district without my knowledge was ultimately rejected by the Ag and Markets Board, highlighting the protections I am entitled to under State Law.

These procedural delays have real financial repercussions; last year, unnecessary obstacles caused me to lose my entire first weekend of sales – the busiest weekend of our season. Farms operate year-round, and a successful harvest depends on stable planning and operations. I cannot sustainably run my farm when rules change each season or when my operations are threatened by unfounded complaints or rules.

I also want to address repeated claims that my farm does not meet safety requirements. If these claims were accurate, it would be concerning that a member of this Board permitted their 16-year-old child to work on my farm last fall. We follow safety regulations and comply with the Safety in Agricultural Tourism Act. In September, we took every measure to meet the safety requirements requested by your Building Department and Fire Inspector, which your attorney acknowledged in your October meeting. The accusations regarding unsafe conditions lack factual basis and appear to be attempts to damage our reputation.

Moreover, I have observed a neighbor slandering my farm during public comment without correction from this Board, which has fueled misinformation and contributed to the scrutiny and unfair treatment we are currently experiencing. I urge the Board to put an end to this pattern.

This proposed moratorium is neither neutral nor necessary, and it violates Agriculture & Markets Law §305-a. If the Town seeks to revise its code in a way that supports agriculture, I welcome that dialogue. Many communities implement modified site-plan reviews or agritourism-specific provisions that facilitate rather than obstruct farm operations. I have engaged an architect and attorney in good faith to prepare the necessary plans and special use permit application and wish to proceed as previously discussed, even though existing codes do not require me to do so.

Despite my efforts, I am now faced with a moratorium that halts the very process the Town indicated I should follow, and I supposedly have not followed. This is neither good faith-governance nor transparent; it constitutes a pattern of obstruction.

Your Comprehensive Plan commits the Town of Lewiston to support agriculture and protect local farms. I urge this Board to honor that commitment, comply with State law, and modify or reject this moratorium to prevent unlawful restrictions on established agritourism operations like mine.

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I am proud to be a part of Lewiston's agricultural community and wish to continue contributing economically, culturally, and historically to this town. However, I need the Town to cease imposing unreasonable burdens on my ability to farm.

Believe it or not, agritourism benefits the Town in many ways, and I think it's time you look at that instead of holding a grudge against a law-abiding citizen because you simply dislike something good for this Town. The community stands behind us for a reason. Thank you for your time. I am open to any discussions regarding any comments you have or questions."

Cheryl Lepsch - Tonawanda

Lepsch showed a picture of her granddaughter at the Pumpkin Farm from this past fall. Lepsch asked the Board, when a general meeting is going to be held to make a decision like this, how is the public notified? Isn't there supposed to be a certain amount of time of notification and places it is posted. Lepsch said this King's wouldn't have known of the public hearing had she not read the minutes from the last meeting. Lepsch said the Kings are the hardest working family she has ever met and they worked so hard this year to get the farm up to the standards the Town asked for.

Lepsch resides in the City of Tonawanda. Years ago, there were new apartments put on the river behind the police station. There were two or three residents that used to regularly attend the city meetings. The city wanted to put a gas station in at Tops, which was on the agenda. Lepsch happened to be at that meeting when they were supposed to vote on the topic. Lepsch told the board to give her a month and she would get at least 500 resident signatures that were for the gas stations. The gas stations are currently in the city of Tonawanda. They never caused a problem with the residents and have complied with everything they were asked to do. Lepsch said, all of the sudden, the Town of Lewiston is changing their memorandum which would not have been done if it weren't for the Niagara Pumpkin Farm.

Lepsch asked the Board if any of them have gone to the Pumpkin Farm and seen the work that has been done. King said there have been Board members there. Broderick said he has not been there.

Cosimo Capozzi – North Tonawanda

Capozzi was the former Building Inspector for the City of Tonawanda for 3 years, Code Enforcement Officer for 23 years and planning and zoning Board advisor. Capozzi has recommended building and codes but does not understand that in all the rules and regulations he has ever written and approved, not a single one has been "red flagged". The Board approved the use of the farm. Capozzi said he has been to the farm and tells the Board they should go there and see the number of people who go there and enjoy the farm. Capozzi wonders what the financial impact on the Town is. You have someone who draws countless people to Lewiston. "I've never been here." As a rule enforcer/writer, rules have never been "red flagged". The Board approved the general use of the property last year. If the Board approved it, you cannot now come up with new rules and regulations. "That is illegal. I am an expert and have been recognized as an expert by 4 of the laws in Western New York. That's what I do. I advise you to stick to the law and do not pass things that are retroactive and will not hold up."

Duane Whitmer – Derby

Whitmer asked how many of these permits the Town faces on a regular basis. Broderick said none. Whitmer said he has done some research. The Pumpkin Farm opened in 2022; there were some issues with traffic and other problems and the Kings spent money to fix it. The farm opened in 2023; there were small issues and the Kings spent money to fix it. The Kings heard the complaints and tried their best to fix the problems.

Whitmer attended the Pumpkin Farm twice this year and had a great time. When Whitmer who is from Hamburg was standing in line talking to people around him, people came from all over Western New York. Whitmer has friends who travel an hour to come to Lewiston to see this Pumpkin Farm. The farm is bringing people in from all over the place. “If I was in your shoes, I would be ecstatic because it’s a business who is not relying on corporate welfare.” The Town is not buying a business to come here. The Kings are putting their own time, money and effort into this business and it’s bringing people in and making the Town look good.

As we know, the economy of Western New York generally is not doing great. Unemployment and poverty numbers are above national average and New York State is one of the least business friendly states in the nation and yet, the Town has a business that was able to thrive coming out of Covid. Whitmer said “goal posts” were consistently moved. The Kings were told they are not licensed and permitted but Whitmer obtained FOILS that show they have pulled all the permits and licenses needed. The Kings were told they were pulled from the Ag. District and the Town doesn’t get involved in pulling people from the Ag. District but Whitmer obtained an email from the Town to the Ag. District asking them to pull them. All Whitmer has seen throughout all of this is a targeted attempt to shut this business down and does not know the reason. Now, here we are with this Moratorium. “My concern is, you put a 6-month moratorium in, which means the Kings can’t apply until June, then the Town kicks it to July, then to a meeting in August, now here we are next fall back to where we are, playing games on the Kings, trying to rush in a time-crunch to open.”

Whitmer said this looks like another chance to move the “goal post” to stall and stop one business from operating. As evident by when asked, “how many special use permits do you get” and the answer is “none.” The Board can’t say this moratorium is not just for one person when the Kings are the only people who want to apply for the permit. “That’s not how general logic works. I don’t know if it’s incompetence, I don’t know if it’s negligence, I don’t know if it’s just a mistake, I don’t know if it’s corruption, I don’t know if it’s greed, I don’t know what’s going on here, but I do see a target attempt to stop this business from operating and I hope intelligent people on the board wake up and realize you have an opportunity that most towns do not have. Do the right thing.”

Paul Suita – 3344 Lockport Road

Suita asked if anybody remembers Lombardi’s Dairy. Where is it? It’s gone. Where’s Roger Borges farm? It’s gone. Where are all the other farms in Lewiston? Gone. Cambria, Wheatfield. All over. The Pumpkin Farm used to be the Baughman farm. They had a ceiling business and Suita sold hay to them when they had horses. Suita used to go down to a farm and home center and sign up for programs. Suita has been a farmer for 50 years in all the towns. Suita isn’t the biggest farmer around but basically is becoming the only farmer around with about 20 farmers in all of Niagara County. The Kings bought that piece of land and are trying to make to make a “go” at farming. That is wonderful.

Suita had a son killed in 2004. He was supposed to take over his farm but unfortunately was killed by a drunk driver at the age of 21. Suita does not have anyone to take over his farm. Suita thinks it's wonderful the Kings are taking over a farm.

In 1978, Suita was the chairman for Ag. District number 7 in the Town of Wheatfield. Suita and two other farmers went around getting signatures to create Ag. Districts. Suita's cousin was the chairman of the Ag. District in Cambria. They did this to prevent what's going on right now.

People have sat on the Town Board since 1818 when the Town was created. From then to now, look at how the Town has changed. The Town has formed little cities within the Town of Lewiston like Cambria and Wheatfield. Somebody wants chickens? You can only have 5. But no roosters. The Town is preventing farms to flourish back up. Suita would rather listen to roosters all day than hearing a dog bark all day. How many farms have been started in the Town of Lewiston in the past 5 years? Not farms who have come from another town. How many have actually started in the Town of Lewiston? Will Ziemendorf bought a farm last year and is now selling beef out of his farm market on Upper Mountain Road. Has the Town checked that out? Probably not. Is that legal? Who knows. Suita said he is not whistle blowing on anyone. What he's saying is, the Town is just making more and more zoning every day and every year to hinder rural residential living and farms.

Suita sells his wheat for \$5 a bushel. 50 years ago, he sold his wheat for \$5 a bushel. His taxes 50 years ago on one farm was \$695 total for school, county, and town. Now he's paying close to \$7,000 with no other services. "This has to stop. Three minutes you give the people to talk but you want a 6-month moratorium. Your attorney should have looked into this a long time ago."

Charlotte Patterson – 4611 Townline Road

Patterson is the owner of Forsyth Tavern and said she is attending the meeting as a cautionary tale to show what happens when you aren't kind to the farms in your town. The timing and reasoning of this proposed moratorium raised serious concern. Patterson would like to ask the board to address the following questions clearly before a decision is made:

Is this moratorium intended to directly affect the pumpkin farm? The Board said no. If the answer is no, then explain why is it being proposed right now? What specific part of the Pumpkin Farm's application process triggered the need to pause all Special Use Permits Town wide? Was it procedural issue? A staffing issue? An internal mistake? Or the Towns own handling of this process? The public should know exactly what went wrong and why a moratorium is needed or why this is the solution. What problem are you trying to solve and why can't it be solved without stopping all Special Use Permits for 6-months? Other towns update Special Use Permit procedures without enacting moratoriums. What makes Lewiston different? What specific changes are you planning for the special use permit process during this moratorium? Will applicants be required to pay more? Wait longer? Hire additional experts? Undergo new steps and reviews? Meet new standards beyond what Ag. & Market laws allow? This is a crucial question. Farmers deserve to know what's coming. How does a moratorium align with your own comprehensive plan? Which says the Town of Lewiston supports agriculture, an important component of the Town and should avoid policies that directly disadvantage farming. If a moratorium creates barriers for a farm currently operating under permanent uses in a rural residential district how is that not a direct disadvantage? Have you consulted with New York State Ag. & Markets about whether this

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moratorium violates protections for farm operations and agritourism? Yes or no? why or why not? What is your plan for rebuilding trust with the farming community if this moratorium passes? Because right now, perception is that the Town is trying to shut down a farm that this community overwhelmingly supports. “I support safe operations and responsible oversight. I do not support unnecessary barriers, reactionary legislation, or government actions that appear targeted at a specific family or business. That is what we experienced in the Town of Cambria when 400 residents showed up at the last Local Law hearing. I don’t think that Lewiston wants to see that. Tonight, I am not asking for promises, I’m asking for answers. If this moratorium is justified, those answers should be easy to give.”

Close Public
Hearing
LL #2-2025

Morreale MOVED to close the Public Hearing for Local Law 2-2025. Seconded by Jacoby and carried 5-0. 6:31 P.M.

AGENDA AMENDMENTS:

Broderick – Local Law 2-2025
Legal – Local Law 3-2025

Agenda **Waechter MOVED to approve the agenda, as amended. Seconded by Myers and carried 5-0.**

DEPARTMENT HEAD STATEMENTS

Hwy Sup. M. Weiss

Weiss said the Highway Department building is in rough shape and he is looking for direction. Broderick said he spoke to Weiss regarding the building. Lannon and Masters went to the Highway Garage to look at a generator replacement. Through the years, there has been electrical put together and added. The whole electrical system needs to be upgraded.

Electrical
Upgrade
Highway
Garage

Jacoby MOVED to have GHD prepare a proposal to upgrade the electrical at the Highway Department Garage from H-98 funds. Seconded by Myers and carried 5-0.

Weiss said the roof at the Highway Department Garage is developing large holes which is breaking down the insulation and causing heat loss.

Roof
Insulation
Siding
Hwy Garage

Waechter MOVED to have GHD prepare a proposal to upgrade the roof, insulation and siding at the Highway Department Garage from H-98 funds. Seconded by Morreale and carried 5-0.

Weiss would like to declare a 2008 F350 1-ton dump truck as excess equipment and take it out of fleet. The truck has 182,000 miles on it and is not worth putting money into it. Weiss said they will use the truck around the Highway Garage until it dies.

The Highway Department is still picking up leaves as they can, weather permitting.

Sr. Coordinator M. Olick

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Olick said next week, the Senior Center will have a vendor fair. Anyone can come in and purchase from the gift shops. The Center will have their Christmas lunch on Wednesday.

The seniors from Niagara Wheatfield came in to visit the Senior Center when they were in 5th grade. The 5th grade teacher is now the seniors' class advisor and is bringing the kids in as seniors, to re-visit the seniors. On Thursday, Lewiston Porter will bring their 5th graders in. On Friday, the Senior Center will have a jazz concert.

APPROVAL OF MINUTES

Minutes **Morreale MOVED to approve the minutes from the 12/24/2025 RTBM. Seconded by Jacoby and carried 4-0. Waechter abstained.**

ABSTRACT

Abstract **Jacoby MOVED to approve Regular Abstract of Claims Numbered 25-03163 thru 25-03278 and recommended payment in the amount of \$1,404,124.43 with a Post Audit in the amount of \$0. Seconded by Jacoby and carried 5-0.**

OLD/PENDING BUSINESS - None

NEW BUSINESS - None

SUPERVISOR BRODERICK

Broderick read a statement he wrote regarding Local Law 2-2025.

"I would like to thank everyone for coming out tonight and participating. Regardless of whether you spoke for this moratorium or against it. Your participation in this process is noted and appreciated. That being said, I want to make clear why I will be voting to approve this moratorium. The Town of Lewiston, like any Town in Niagara County has seen an increase in seasonal attractions and limited-time events. These events are a little different than standard businesses that run year-round and have different challenges from parking, to sound and lighting and fire and safety concerns. These seasonal events often pop up without first obtaining the proper permitting from the Town. These events may have many supporters but we have also received many calls from concerned neighbors who feel their quiet neighborhoods are suffering from these events. With this moratorium, the Town is just saying "hey, lets take a pause here so we can review and revise our local laws." Our attorneys are already working on new laws that we can design to ensure these types of events are conducted in a safe manner and won't unduly burden the neighborhoods where they are. Again, the Town wants to ensure that seasonal attractions have proper permitting and review guidelines to ensure safety and protection of the Town. For now, we need to temporarily pause the permitting of these types of events while the new law is worked on. I anticipate the new law will be coming in the near future and many of you will again have an opportunity to speak publicly about the regulations we will be proposing. I look forward to seeing you all then but for now, I feel it is good government and the right thing to do to simply "pause" while we work on the new law."

Broderick MOVED to approve Local Law 2-2025 "Establishing a Six-Month MORATORIUM on the Processing of Applications and Approvals for Site Plan Approvals and Special Use Permits Relating to Non-conforming Seasonal Uses, Seasonal Events and Attractions in all Zoning Districts by the Town of Lewiston Planning Board". Seconded by Morreale. Roll Call: Councilman Jacoby, yes; Councilman Morreale, yes; Councilman Myers, yes; Councilwoman Waechter, yes; Supervisor Broderick, yes. Carried 5-0.

Bax said he feels he is a little bit responsible for bringing this down on the Town Board by mentioning Mr. King and his farm relative to this moratorium. All of the questions asked were very well thought out and put to the Town Board. None of the questions were out of line. The 6-month moratorium can be seen or construed as an attempt to delay this issue for another 6 months but it is by no means the Boards intention. The Town has already started reaching out to New York Ag. & Markets.

Bax thought one of the questions that was raised was very important and that was, how many of these temporary uses has the Town Board seen and the answer was none. That's true, but the more important question is, how many the Town anticipates receiving in the years ahead and the question comes, is our Town Code adequate to address those. The answer to that question is no so, this is not a debate. The Town has a responsibility to address things responsibly when they come into the Town. The Town Board is making a genuine effort to make sure this is all in place at the time of Mr. Kings application. Bax said the Town Board and his effort is attempting to assist and be practical and efficient processing all the things they think the Town will be facing. Ag. & Markets has a very different definition as to what is farming and what is entertainment and again, there is a very clear line as far as they're concerned as to what is and isn't under their prevue of regulation and what is and is not allowed. As the Town goes through this debate with Ag. & Markets, we are going to learn both to the Towns benefit and Kings benefit, what is and isn't protected.

Broderick read a letter from Colleen Daddario, Events Specialist at Niagara Hospice.

Thank you for your continued support of the Mighty Niagara Half Marathon and the Hospice Dash 5K.

We are already planning for next year and we would like to request Saturday, October 3, 2026 for next year's race. We plan to keep the same route with our starting line at Artpark and post-race party at Porter on the Lake Park.

Our race Director, Paul Beatty, and I would be glad to come and discuss the event if needed and answer any questions you might have. Our event continues to raise thousands of dollars for Niagara Hospice and is becoming a "must run" race in the area.

We are looking forward to next year and appreciate your continued support.

Police Chief Salada said, in May, the Town Board approved a resolution for the Niagara County Sheriff's Department to install flock safety cameras along state highways. Through some issues with the state roadways, the Sheriff's Department is looking to move the cameras to Town Right-of-Way's. There are 4 cameras total. Masters said he could not issue a permit for the cameras to be put on the Town's right of ways until the board approved the cameras.

Flock
Cameras
TOL

Morreale MOVED to approve the Niagara County Sheriff's Department to install flock safety cameras on Town of Lewiston Right-of-Way's. Seconded by Jacoby and carried 5-0.

Waechter said one of the cameras is near a residence and asked, even though the camera is in the right-of-way, visually speaking, is the camera going to impede? Salada said no, the camera is basically a light pole. There is currently a camera installed at North Second Street and Onondaga and it has been there 2 or 3 years and looks just like a light pole.

Bax read Local Law 3-2025 “A Local Law Establishing a Six-Month MORATORIUM on the Processing of Applications and Approvals for Mobile Home Parks, Cemeteries and Camp Grounds by the Town of Lewiston” into the record.

SECTION 1. TITLE: This law shall be known as Local Law No. 3 of the Year 2025 entitled “A Six-Month MORATORIUM on the Processing of Applications and Approvals for Mobile Home Parks, Cemeteries and Campgrounds by the Town of Lewiston”.

SECTION 2. PURPOSE: The purpose of this Local Law is to amend the Code to place a six (6) month moratorium on the processing of applications and approvals for Mobile Home Parks under Chapter 223, Cemeteries under Chapter 360 and Campgrounds under Chapter 123 by the Town of Lewiston to allow time for the research, development and adoption of amendments to the Town Code of the Town of Lewiston which regulate these types of applications and in coordination with the development of a revised Town of Lewiston master plan. This time will give the Town Board the ability to complete all reasonable and necessary review, study analysis and, if warranted, revision to the Town of Lewiston Code and master plan as may be necessary to promote and preserve the health, safety and welfare of the Town of Lewiston and its residents.

SECTION 3. EXEMPTIONS: None.

SECTION 4. TERM: This moratorium shall include any applications/submissions made on or after December 8, 2025 and shall be in effect for a period of six (6) consecutive months from its effective date of December 8, 2025. This term may be extended, for additional periods not to exceed six (6) month each, if necessary, by resolutions of the Town of Lewiston Town Board.

SECTION 5. SEVERABILITY: If any portion, subsection, sentence, clause, phrase or portion thereof of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 6. EFFECT ON OTHER LAWS: To the extent that any law, ordinance rule or regulation, or parts thereof conflict with the provisions of this Local Law, this Local Law

shall control and supersede such law, ordinance, rule or regulation. Any provision of any local

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law requiring prior review by any Town of Lewiston Advisory Board, including without limitation, the Town of Lewiston Planning Board and Zoning Board, shall not be applicable to this Local Law.

SECTION 7. WHEN EFFECTIVE: This Local Law shall become effective immediately upon its filing in the office of the Secretary of State. Upon the enactment of this Local Law, the Moratorium shall remain in place for a six (6) month time period commencing with its effective date. This six (6) month time period may be extended by the Town Board by adoption of a Resolution for said purpose.

Schedule Public Hearing LL#3-2025

Waechter MOVED to schedule a Public Hearing for December 22, 2025 for Local Law 3-2025, "A Local Law Establishing a Six-Month MORATORIUM on the Processing of Applications and Approvals for Mobile Home Parks, Cemeteries and Camp Grounds by the Town of Lewiston". Seconded by Myers and carried 5-0.

Engineering:

Lannon said he, his electrical engineer and Masters in addition to the Highway Garage, looked at Town Hall and the Senior Center with an eye to designing and bidding electrical generators at each of those buildings. Earlier, the Board spoke about the Highway Garage but Lannon suggests to have one proposal to cover two contracts. An electrical contract for the generators and transfer switches for the Highway Garage, Senior Center and Town Hall and then a general contract for the roof and side of the Highway Garage. This will alleviate having three proposals.

GHD Inspect Electrical, Town Hall & Hwy

Jacoby MOVED to approve GHD to inspect the electrical at Town Hall, Highway Garage and the Senior Center to install emergency generators and electrical upgrades to the Highway Garage. Seconded by Waechter and carried 5-0.

Finance:

The Finance Director asked for approval to process the following 2025 budget revisions:

1. A request to move \$3,071 to Court Admin Personnel – A00-1110-0100-0101 from Justice Contractual – A00-1110-0400-0000, to cover court typist overtime.
2. A request to move \$7,500 to Supervisor Equipment – A00-1220-0200-0000 from Senior Center Equipment – A00-7630-0200-0000, to cover equipment for a new position.
3. A request to move \$3,000 to Town Clerk Personnel – A00-1410-0100-0000 from Brush Contractual – A00-5140-0400-0000, to cover tax stipend.
4. A request to move \$10,000 to Attorney Contract & Litigation Contractual – A00-1420-0400-0000 from Brush Contractual – A00-5140-0400-0000, to cover FOILS and contract negotiations.

5. A request to move \$7,000 to Recreation Equipment – A00-7310-0200-0000 from Senior Center Equipment – A00-7630-0200-0000, to cover purchase of ball diamond dirt.
6. A request to move \$700 to Medicare Tax – A00-9020-0800-0000 from Contingency – A00-1990-0400-0000, to cover Medicare taxes.
7. A request to move \$3,000 to Social Security Tax – A00-9030-0800-0000 from Traffic Control – A00-3310-0400-0000, to cover Social Security taxes.
8. A request to move \$430 to Disability Insurance – A00-9055-0800-0000 from Contingency – A00-1990-0400-0000, to cover employee disability insurance.
9. A request to move \$112,400 to Police Personnel – B00-3120-0100-0000 from Fund Balance – B00-1000-0599-0000, to cover police payroll.
10. A request to move \$11,000 to Police Personnel SRO Wheatfield – B00-3120-0100-0025 from Police Retirement – B00-9015-0800-0000, to cover SRO Wheatfield Police payroll.
11. A request to move \$700 to Out of Department Police Personnel – B00-3120-0100-0100 from Police Retirement – B00-9015-0800-0000, to cover Out of Department Police payroll.
12. A request to move \$1,000 to Medicare Tax – B00-9020-0800-0000 from State Retirement – B00-9010-0800-0000, to cover Medicare taxes.
13. A request to move \$4,400 to Social Security – B00-9030-0800-0000 from Grant Writing Services – B00-8095-0400-0000, to cover Social Security taxes.
14. A request to move \$905 to Disability Insurance – B00-9055-0800-0000 from Grant Writing Services – B00-8095-0400-0000, to cover employee disability insurance.
15. A request to move \$5,000 to Hospital & Medical Police – B00-9060-0800-0200 from Police Retirement – B00-9015-0800-0000, to cover employee medical benefits.
16. A request to move \$104,000 to General Repairs Personnel – DB0-5110-0100-0000 from Fund Balance – DB0-1000-0599-0000, to cover negotiated contract payroll increases.
17. A request to move \$6,400 to Machinery Personnel – DB0-5130-0100-0000 from General Repairs Contractual – DB0-5110-0400-0000, to cover negotiated contract payroll increases.

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18. A request to move \$1,276 to Physicals & Hepatitis – SF0-9060-0800-0000 from Service Awards – SF0-9089-0800-0000, to cover volunteer Firefighter physicals.
19. A request to move \$1,100 to Sanitary Contractual – SS2-8120-0400-0000 from State Retirement – SS2-9010-0800-0000, to cover contractual expenses.

Budget
Revisions

Morreale MOVED for approval as presented. Seconded by Myers and carried 5-0.

COUNCILMAN JACOBY

The Upper Mountain Fire Company is requesting to add Jennifer Fields of Upper Mountain Road to their active membership.

Upper Mtn
Fire Roster
Additions

Jacoby MOVED to add Jennifer Fields of Upper Mountain Road to the Upper Mountain Fire Company active membership. Seconded by Myers and carried 5-0.

COUNCILMAN MORREALE

The Planning Board meeting in regular session on Thursday November 20, 2025, reviewed a 4-lot split/minor subdivision request from Matthew Vanderhider 1665 Swann Road SBL 75.00-1-33.

The Planning Board recommends approval to the Town Board for a negative declaration in regard to SEQRA.

Neg Dec.
1665 Swann

Morreale MOVED to approve the negative declaration in regard to SEQRA. Seconded by Waechter and carried 5-0.

The Planning Board classified this as a minor to be treated as a minor. The Planning Board recommends approval of the 4-lot split/minor subdivision as presented.

Approve
4-lot Split
1665 Swann

Morreale MOVED to approve the 4-lot split/minor subdivision as presented. Seconded by Myers and carried 5-0.

COUNCILMAN MYERS

The Farm Museum in Sanborn will have a Holiday party for children this weekend. Santa will be there each day and there will be crafts and shops. The museum will have a sing-along on December 20th.

COUNCILWOMAN WAECHTER

Renovations at the Senior Center have started and the men's bathroom has been completely gutted and the cement floors are poured. Everything has been ordered for the kitchen renovations but they will finish the bathrooms before starting the kitchen.

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Broderick said last meeting there was a resident questioning the closure of the Sanborn Post Office. The only thing that will be changing is the location of the Post Office. The individual postal delivery people will be responding from LaSalle but they will maintain a retail location in Sanborn.

RESIDENT STATEMENTS

Paul Suita – 3344 Lockport Road

Suita said hundreds of acres were taken by Niagara County Community College from farmers. That came out of the tax base out of Cambria and Lewiston. Suita suggested the Post Office be located on the college property so it does not take anymore tax base out of Lewiston and Cambria. Broderick said the college and county would have to approve that and he would support it.

Joseph Miller – 5430 Ernest Road

Miller said farms are under attack not just in the Town of Lewiston but all over the country. Miller told the Board, if you just go based off what your lawyer is saying and not look up the law yourself, you're not doing your residents any due diligence. "You say you have to do this moratorium because you want to incorporate the laws already in place at the county and state level into your zoning regulations. This moratorium is for non-conforming usage. The King's property is in an agricultural district. Why can't you read the letter of the law and say "this is a conforming use or this is not or we can give you a permit for this but not this because that's not farming." That's all in black and white in the law. If you specifically look at the Niagara County Agriculture and Farmland Protection Plan, which the Town of Lewiston is a part of, and have incorporated in their comprehensive plan, it specifically states that special use requirement permits for certain types of farming would likely be unreasonably restricted. The reason you probably said this is awkward was because if anybody actually looks at the law and reads all of it, it's pretty black and white. The Town is over stepping."

Miller is a 33-year-old disabled Veteran who has fought in Syria and said when he sees this happening in his backyard, he gets fired up. We live in an area where everyone should understand farming and the Board can't just say "you can't do that" so farmers can't grow certain crops which take a certain amount to grow. Miller said the red tape of local government doesn't work with every day stuff and asked the board to listen to the residents. "Look what's happening in Cambria. This movement is bigger than you. There's a court case that they're trying to push to the Supreme Court because they're trying to say that farming is a constitutional right. Tim Walls is using an apartment to try and stop deer farming. If that happens, we're in trouble. If you stop farming, we'll have nothing but solar farms. Look what happened in Cambria."

Morreale MOVED to adjourn. Seconded by Jacoby and Carried 5-0. 6:31 P.M.

Transcribed and
Respectfully submitted by:

Tamara Burns
Deputy Town Clerk