

RESOLUTION No. 2021-

***RELATIVE TO ADOPTING CHAPTER 1319.4 OF NIAGARA FALLS ZONING  
ORDINANCE ENTITLED AIRPORT PROTECTION OVERLAY DISTRICT TOGETHER  
WITH SCHEDULE 14 AIRPORT OVERLAY DISTRICT ZONE AND SCHEDULE 14-B  
AIRSPACE PLAN***

BY:

Council Chairman Kenny Tompkins  
Council Member William Kennedy  
Council Member Frank Soda  
Council Member John Spanbauer  
Council Member Christopher Voccio

**WHEREAS**, the Niagara Falls Planning Board is recommending the adoption of the proposed Zoning Chapter 1319.4 Airport Protection Overlay District together with the new Schedule 14 Airport Overlay District Zone and Schedule 14-B Airspace Plan, and;

**WHEREAS**, the overlay is to prevent the creation or establishment of airport hazards, and;

**WHEREAS**, the objective of this overlay is to regulate the height, land use and construction of development within the environs that is consistent with Federal Aviation Administration (FAA) regulations, particularly Part 77 Regulations, to ensure the safety of aircraft approach to and departure from the Niagara Frontier Transportation Authority's (NFTA) Niagara Falls International Airport and its runways, and;

**WHEREAS**, the purpose and intent of the Airport Protection Overlay District is to prevent encroaching development from interfering with operations at the Niagara Falls Air Reserve Station, and;

**Kennedy** \_\_\_\_\_ **Soda** \_\_\_\_\_ **Spanbauer** \_\_\_\_\_ **Voccio** \_\_\_\_\_ **Tompkins** \_\_\_\_\_

**WHEREAS**, the Airport Protection Overlay District would require that the Niagara Falls Air Reserve Station/Department of Defense, FAA, and the NFTA be advised of any development proposals within this overlay before site plan review and the issuance of building permits, and;

**WHEREAS**, this Airport Protection Overlay District satisfies local land use regulations essential for the Niagara Falls Air Reserve Station to remain competitive through the Base Realignment and Closure (BRAC), and;

**WHEREAS**, the Niagara Falls Air Reserve Station is currently Niagara County's largest employer, with over 3,000 full-time and part-time employees generating over \$88 million annually in payroll, and;

**WHEREAS**, the Planning Board hereby accepts and adopts the findings of the SEQRA review, November 2, 2020, and;

**WHEREAS**, the Planning Board duly conducted a Public Hearing on November 12, 2020 with notice of such hearing duly advertised in the Niagara Gazette on October 25, 2020, October 31, 2020 and November 6, 2020 for the purposes of receiving further comments, and;

**WHEREAS**, the Planning Board duly conducted a Public Hearing on March 24, 2021 with notice of such hearing on March 3, 2021, March 13, 2021 and March 20, 2021 for the purposes of receiving further comments, and;

**WHEREAS**, a copy of this proposed Chapter 1319.4 Airport Protection Overlay District Schedule 14 Airport Overlay District Zone and 14-B Airport Overlay Airspace Plan were sent to every property owner in the affected area, and;

**WHEREAS**, at both the November 12, 2020 and March 24, 2021 meetings, Colonel Carl Magnusson, USAF Base Commander, spoke and stated supported for this Airport Protection Overlay District, and;

**WHEREAS**, the Niagara Falls Planning Board has determined that the proposed Airport Protection Overlay District furthers the goals and objectives within the City of Niagara Falls Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Niagara Falls, New York does hereby adopt Chapter 1319.4 Zoning Ordinance entitled “Airport Protection Overlay District Together With Schedule 14 Airport Overlay District Zone and Schedule 14-B Airspace Plan” to the City of Niagara Falls Codified Ordinances.

**Kennedy**\_\_\_\_\_ **Soda** \_\_\_\_\_ **Spanbauer**\_\_\_\_\_ **Voccio** \_\_\_\_\_ **Tompkins** \_\_\_\_\_