

# TOWN OF NIAGARA

COUNTY OF NIAGARA, STATE OF NEW YORK

NIAGARA FALLS, N.Y.



7105 Lockport Road  
Niagara Falls, New York 14305

PHONE: 297-2150  
FAX: 297-9262

## **TOWN OF NIAGARA ZONING BOARD OF APPEALS PUBLIC HEARING MEETING MINUTES REGULAR MEETING MINUTES July 12, 2022**

**Present:** Jody Wienke, Robert McDermott, Richard Halleen, Guido Virtuoso, Thomas Cuddahee - Chairman, JoAnna Wallace - Secretary

The meeting opened at 7:00 P.M. with the Pledge of Allegiance.

### **OTHER BUSINESS**

#### **PHILLIPS LYTTLE LLP, agent for J2B PARTNERS LLC**

Area Variance

8995 Lockport Road

Tax Map No. 132.18-1-2, 146.05-1-9 and 146.06-1&-2

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A in which the facility is proposed to be 107 feet, 67 feet higher than allowed by Town of Niagara Code.

Applicant seeks relief of Town of Niagara Zoning Ordinance §204-5(B)(2) in which up to two signs, each not exceed 200 square feet whereas two signs, one up to 275 square feet and the other up to 288 square feet are proposed. §204-5(C)(1) in which the applicant would like four freestanding signs (one located at each driveway) which is three more than allowed. §204-5(C)(3)(a) in which freestanding signs up to eight feet are permitted, whereas freestanding nine foot signs are being proposed. §204-5(B)(1) whereas up to two buildings signs are permitted, whereas four are being proposed.

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-33(D) in which no entrances or exits shall be located within 100 feet of any street intersection, whereas the Project includes an access drive that connects directly to the Packard Road/Lockport Road intersection.

Mr. Halleen made a motion, pursuant to the resolution, to approve all variances submitted, seconded by Mr. Virtuoso.

### **ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

### **PUBLIC HEARING**

#### **ROXANNE FALZONE**

Area Variance  
4241 Mohawk Pkwy  
Tax Map No. 132.11-1-2

Applicant seeks relief of Town of Niagara Zoning Ordinance 245-32 B(2). Applicant wishes to erect a fence four feet in height, one foot higher than allowed by Town of Niagara Code.

Public hearing opens at 7:05 PM  
Roxanne Falzone was for the project  
No one was against the project  
Public hearing closed at 7:06 PM

#### **MELISSA KING**

Area Variance  
8380 Ziblut Court  
Tax Map No. 146.17-3-3

Applicant seeks relief of Town of Niagara Zoning Ordinance 245 Appendix A Part 2. Applicant wishes to add an above ground pool which places your project 603.6 square feet over the maximum allowable 25% lot coverage.

Public hearing opens at 7:07 PM

Mr. And Mrs. King were for the project  
No one was against the project  
Public hearing closed at 7:08 PM

## **REGULAR MEETING**

### **ROXANNE FALZONE**

Area Variance  
4241 Mohawk Pkwy  
Tax Map No. 132.11-1-2

Applicant seeks relief of Town of Niagara Zoning Ordinance 245-32 B(2).  
Applicant wishes to erect a fence four feet in height, one foot higher than  
allowed by Town of Niagara Code.

Mr. Virtuoso made a motion to give a negative declaration to the SEQR for the  
variance requested, seconded by Mr. Halleen.

### **ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

Mr. McDermott makes a motion to accept the variance as submitted, seconded by  
Mrs. Wienke.

### **ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

**MELISSA KING**

Area Variance  
8380 Ziblut Court  
Tax Map No. 146.17-3-3

Applicant seeks relief of Town of Niagara Zoning Ordinance 245 Appendix A Part 2. Applicant wishes to add an above ground pool which places your project 603.6 square feet over the maximum allowable 25% lot coverage.

Mr. McDermott made a motion to give a negative declaration to the SEQR for the variance requested, seconded by Mrs. Wienke.

**ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

Mr. McDermott makes a motion to accept the variance as submitted, seconded by Mrs. Wienke.

**ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

**PRESENTATIONS**

**RICK SWENEY**

Area Variance  
3609 Woodland Avenue  
Tax Map No. 131.20-2-79

Applicant seeks relief of Town of Niagara Zoning Ordinance 245-29 B - Accessory Structures. Applicant wishes to have a pool cabana to be erected 6 feet closer than the required 10 foot front setback.

Mr: Sweney states where he wants to build the structure - there was a dog kennel for 20 years - so he tore that down and starting building a pool cabana. Mr. Sweney states it's higher than the dog kennel so he needed a variance.

Mr. Cuddahee asks if the cabana will have plumbing. Mr. Sweney states, no. Just a place for the grand kids could change.

There were no further questions from the board.

### **MINUTES**

Meeting minutes of the Zoning Board of Appeals June , 2022

Mr. Halleen made a motion to accept the minutes presented, seconded by Mr. Virtuoso.

### **ROLL CALL**

Ayes: Mr. Cuddahee, Mr. Virtuoso, Mr. Halleen,  
Mr. McDermott, Mrs. Wienke

Noes: None

Abstained: None

As there was no further business, the meeting ended at 7:15 PM.