

**TOWN OF NIAGARA**  
COUNTY OF NIAGARA, STATE OF NEW YORK  
NIAGARA FALLS, N.Y.



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**TOWN OF NIAGARA**  
**ZONING BOARD OF APPEALS**  
**PUBLIC HEARING MEETING MINUTES**  
**REGULAR MEETING MINUTES**  
**November 8, 2022**

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

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

**PUBLIC HEARING**

**NONE**

**REGULAR MEETING**

**COVANTA ENVIRONMENTAL SOLUTIONS LLC**

Area Variance  
8335 Quarry Road  
Tax Map No. 145.12-3-18

Applicant seeks relief of Town of Niagara Zoning Ordinance Section 245-16 and Appendix A (Zoning Schedule), Part 5. Applicant seeks relief from the maximum building height of 35 feet, to erect a building with a total height not to exceed 40 feet.

The applicant wishes to rezone the property to (H-1) heavy industrial. Per Appendix A, part 5 of the Town of Niagara Zoning Ordinance requires a lot located in a (H-1) district to be a minimum of 3 acres in area, the lot at 1.649 acres are less in area by 1.351 acres.

The accessory building as proposed will be located 32' from the rear lot line 8' closer than allowed by the Town of Niagara zoning ordinance, Appendix A, Part 5 required rear setback.

Mr. Churchill states that he would like to correct the language of the variances. The agenda states it's an 8 feet variance when Mr. Churchill's calculation is 18 feet. Mr. Churchill states there should be 18 feet from the rear property line to the corner of the building. Up where the structure is closer, Mr. Churchill states they are 24 feet so a variance would be required to get to 40 feet.

Mr. Cuddahee states that the board is planning on tabling the project because of the inaccuracies with the variances.

Mr. Churchill states that based on the last email from the building inspector Covanta would be rezoned to H1, heavy industrial, Covanta has been determined to be a heavy industrial use so that would push us into requiring the variance for the lot size. The building I 40 feet or less so the height variance is no longer valid. Mr. Churchill states what comes into play is that Mr. Haseley is calling this an accessory structure which means it had a 40-foot rear yard setback and a 30-foot side yard setback.

Mr. Churchill shows a map and the board members ask questions regarding the setbacks and the map.

Mr. Churchill states that he just wants to make sure that the language is correct so while the Zoning Board is approving it, it doesn't come back stating something was misinformed. Mr. Churchill states based on the last email we came to the board prepared to call this an accessory structure.

Mr. Churchill suggests a separate meeting with the building inspector, ZBA chairman and Covanta's group to go over said variances and to make sure everything is properly said in the public hearing notice.

There were no further questions from the board.

Mr. Halleen made a motion to table the Covanta project until next month's meeting in December, seconded by Mrs. Wienke.

## **ROLL CALL**

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

Noes: None

Abstained: None

## **PRESENTATIONS**

**NONE**

## **MINUTES**

Meeting minutes of the Zoning Board of Appeals October 11, 2022.

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

## **ROLL CALL**

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

Noes: None

Abstained: None