

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
APRIL 11, 2023

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

The meeting opened at 6:30 P.M. with the Pledge of Allegiance.

PUBLIC HEARING

DYLAN THOMPSON

AREA VARIANCE
4705 ISHERWOOD DRIVE
TAX MAP NO. 131.14-1-99

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37 E. Applicant would like driveway 10' closer than the 10' minimum setback required by code.

Public hearing opens at 6:31 PM
Dylan Thompson was for the project
No one was against the project
Public hearing closed at 6:32 PM

MICHAEL CERRONE

AREA VARIANCE
4625 WITMER ROAD
TAX MAP NO. 130.16-1-9 & 11.12

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. The applicant wishes to erect a building 45' in height, 10' higher than maximum allowed by Town code. In addition, the building as proposed will have a side yard setback of 5' from the minimum adjacent lot, 10' closer than allowed by code.

Public hearing opens at 6:32 PM
Andrew Cerrone was for the project
No one was against the project
Public hearing closed at 6:33 PM

ADVANCED DESIG GROUP AGENT FOR ART JOCOY

USE VARIANCE
6410 Packard Road
TAX MAP NO. 145.15-2-3.1

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-15 A, and has filed a use variance request application with the Town of Niagara Zoning Board of appeals. The applicant wishes to include indoor and outdoor motor vehicle parking, A(L-I) light industrial use in conjunction with a proposed mini storage complex in a (B-1) general commercial zoned property.

Public hearing opens at 6:33 PM
Art Jocoy was for the project
No one was against the project
Public hearing closed at 6:34 PM

Proposed Solar Facility on Pine Avenue

USE VARIANCE
PACKARD ROAD, TOWN OF NIAGARA

Applicant seeks relief of town Niagara Zoning Ordinance §245-15 A, to allow for a listed (H-I) use in a (SW) zoned district and has filed a use variance request application with the Town of Niagara Zoning Board of appeals. The applicant wishes to construct a Solar (PV) Generating Facility, an allowable (H-I) heavy industrial use on a portion of an existing landfill, where is located in a (SW) solid waste zoned district.

Public hearing opens at 6:34 PM
Henry Zomerfeld was for the project
No one was against the project
Public hearing closed at 6:35 PM

REGULAR MEETING

DYLAN THOMPSON

AREA VARIANCE
4705 ISHERWOOD DRIVE
TAX MAP NO. 131.14-1-99

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37 E. Applicant would like driveway 10' closer than the 10' minimum setback required by code.

Mr. McDermott asks if 1-foot from the property line is okay, making the variance 9-feet. Mr. Thompson states, yes.

Mrs. Wienke asks if Mr. Thompson still owns the house and if he will be putting in a driveway before new owners. Mr. Thompson states it's been like this for 8 years and he is the one not doing any work to the house. Mr. Thompson states the stone is already a foot off the property line.

There were no further questions from the board.

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. Halleen, Mr. McDermott, Mr. Cuddahee, Mrs. Wienke

Noes: None

Abstained: None

Mr. McDermott made a motion to accept the variance with the additional information of 1-foot off the property line making the variance 9-feet closer than allowed, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

MICHAEL CERRONE

AREA VARIANCE

4625 WITMER ROAD

TAX MAP NO. 130.16-1-9 & 11.12

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. The applicant wishes to erect a building 45' in height, 10' higher than maximum allowed by Town code. In addition, the building as proposed will have a side yard setback of 5' from the minimum adjacent lot, 10' closer than allowed by code.

Mr. McDermott asks if there is a reason for the 5-foot setback. Mr. Cerrone states with the width of the building, it's going to give us a little more of a cushion on the opposite side of the property. The existing driveway that is already there and from where our property line is, the 10-foot is going to give us more room the trucks that will be alongside the building.

Mr. Cuddahee asks if the building will have gutters. Mr. Cerrone states yes, there will be gutters and there is a draining system already put into the plan.

There were no further questions from the board.

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

ROLL CALL

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

Noes: None

Abstained: None

Mr. Halleen made a motion to accept the variance was submitted, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

ADVANCED DESIG GROUP AGENT FOR ART JOCOY

USE VARIANCE

6410 Packard Road

TAX MAP NO. 145.15-2-3.1

Applicant seeks relief of Town of Niagara Zoning Ordinance 245-15 A, and has filed a use variance request application with the Town of Niagara Zoning Board of appeals. The applicant wishes to include indoor and outdoor motor vehicle parking, A(L-I) light industrial use in conjunction with a proposed mini storage complex in a (B-1) general commercial zoned property.

There were no further questions from the board.

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. Halleen, Mr. McDermott, Mr. Cuddahee, Mrs. Wienke

Noes: None

Abstained: None

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

ROLL CALL

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

Noes: None

Abstained: None

Proposed Solar Facility on Pine Avenue
USE VARIANCE
PACKARD ROAD, TOWN OF NIAGARA

Applicant seeks relief of town Niagara Zoning Ordinance 245-15 A, to allow for a listed (H-I) use in a (SW) zoned district and has filed a use variance request application with the Town of Niagara Zoning Board of appeals. The applicant wishes to construct a Solar (PV) Generating Facility, an allowable (H-1) heavy industrial use on a portion of an existing landfill, where is located in a (SW) solid waste zoned district.

Mr. Zomerfeld states it's (2) 5 megawatt projects seeking a use variance to allow the project to go forward. This is not subject to the typical town law standards for a use variance because it does qualify as a utility which goes through the common law standards.

Mr. Risman states since this project is larger than 20 acres there has to be a coordinated review, and this is going to be a 38-acre project. The Town board declared to be lead agency last month. They sent out a mailing but they don't have signed consents from everyone yet. Mr. Risman states if the board is inclined to vote, we could do it "subject to the Town Board approving SEQR".

There were no further questions from the board.

Mrs. Wienke made a motion to accept the variance subject to the Town Board approving a negative declaration on SEQR, seconded by Mr. McDermott.

ROLL CALL

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

Noes: None

Abstained: None

PRESENTATIONS

NONE

MINUTES

Mr. Halleen made a motion to accept the April 11, 2023 minutes as submitted, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:55 PM.