

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



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Niagara Falls, New York 14305

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TOWN OF NIAGARA
ZONING BOARD OF APPEALS
PUBLIC HEARING MEETING MINUTES
REGULAR MEETING MINUTES
July 11, 2023

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

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

PUBLIC HEARING

STEVE HACKETT

Area Variance
8150 Crestview Drive
Tax Map No. 145.15-2-3.1

Applicant seeks relief of Town of Niagara Zoning Ordinance § 245-37 E. Applicant would like his driveway 3-feet from the property line, 7-feet closer than allowed.

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

THE JOHNSONS

AERA VARIANCE
8310 Lockport Road
Tax Map No. 132.17-1-9

Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245, Article IX (9) (3). Applicant would like a total of 251.25 square feet for the business space, 151.25 square feet over the 100 square feet maximum allowed. Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245, Article IX (9) (4). This code restricts the applicant to alter the exterior of the building and allow to enclose a rear porch that currently exists.

Public hearing opens at 6:33 PM
Mr. & Mrs. Johnson were for the project
No one was against the project
Public hearing closed at 6:34 PM

COVANTA ENVIORNMENTAL SOLUTIONS

AERA VARIANCE

8335 Quarry Road

Tax Map No. 132.13-1-13.1

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. The applicant seeks area variance and relief from lot area, lot width, front setback and rear setback for new construction.

Mr. Hatten states Covanta has withdrawn their previous project due to multiple reasons and decided to start from scratch. Mr. Hatten states they are looking to utilize their loading dock, which needs DEC approval as well, but they are looking to construct a covered and contained access way from that loading dock into the back of the building. Mr. Hatten states Covanta is also looking to rezone from light industrial to heavy industrial to follow what the code is for solid waste permit. Mr. Hatten states they are currently acting under a grandfathered nonconforming use.

Mr. Churchill shows blueprints to the board regarding what will be constructed.

Public hearing opens at 6:35 PM
was for the project
No one was against the project
Public hearing closed at 6:39 PM

REGULAR MEETING

STEVE HACKETT

Area Variance

8150 Crestview Drive

Tax Map No. 145.15-2-3.1

Applicant seeks relief of Town of Niagara Zoning Ordinance § 245-37 E. Applicant would like his driveway 3-feet from the property line, 7-feet closer than allowed.

There were no further questions from the board.

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

ROLL CALL

Ayes: Mr. Virtuoso, 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 Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

THE JOHNSONS

AERA VARIANCE

8310 Lockport Road

Tax Map No. 132.17-1-9

Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245, Article IX (9) (3). Applicant would like a total of 251.25 square feet for the business space, 151.25 square feet over the 100 square feet maximum allowed. Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245, Article IX (9) (4). This code restricts the applicant to alter the exterior of the building and allow to enclose a rear porch that currently exists.

Mr. Cuddahee states he would like the boards approval to have a stipulation that Mrs. Johnson will only be allowed to run a one chair salon.

There were no further questions from the board.

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

ROLL CALL

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

Noes: None

Abstained: None

Mrs. Wienke made a motion to accept the variance as submitted with the stipulation that it's only a one chair salon, seconded by Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

COVANTA ENVIORNMENTAL SOLUTIONS

AERA VARIANCE

8335 Quarry Road

Tax Map No. 132.13-1-13.1

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. The applicant seeks area variance and relief from lot area, lot width, front setback and rear setback for new construction.

Mr. Haseley states that he would like to make sure that it's in the minutes that Covanta is also seeking minimum lot requirements for heavy industrial. They need three acres and they are short.

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. Virtuoso, Mr. McDermott, Mr. Cuddahee, Mrs. Wienke

Noes: None

Abstained: None

Mrs. Wienke made a motion to approve the variance based on the resolution, seconded by Mr. McDermott.

ROLL CALL

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

Noes: None

Abstained: None

PRESENTATIONS

JONATHAN KEMPF

Area Variance
4237 Mohawk Pkwy Road
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 4-foot fence, one foot higher than the three feet maximum allowed.

Mr. Kempf is looking for a 4-foot fence that will be on one edge of the property. Mr. Kempf states that the reason for asking for the extra foot is because he has neighbors that have dogs and he would like to keep the dogs off of his property. Mr. Kempf states he believes that the dogs will be able to jump over the 3-foot fence.

Mr. McDermott asked if there was an existing fence. Mr. Kempf stated, no. Mr. McDermott asks if the fence is only going on one side of the property. Mr. Kempf stated, yes. Mr. McDermott asks if there is any type of fence along the other sides of the property where this fence isn't going. Mr. Kempf stated, no.

There were no further questions from the board.

TABLED BUSINESS FROM MAY 9, 2023 ZOING BOARD MEETING:

DEANNA HYCHE of the BROADWAY GROUP LLC.

Preliminary Site Plan, Area Variance and Minor Subdivision
Lockport Road
Tax Map No. 132-14-1-4

Applicant seeks relief of Town of Niagara Zoning Ordinance (TBD). Applicant would like approval of an area variance for parking.

MINUTES

Meeting minutes of the Zoning Board of Appeals June 13, 2023.

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

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 7:01 PM.