

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
June 13, 2023

Present: Richard Halleen, 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
NONE

REGULAR MEETING

TABLED BUSINESS FROM MAY 9, 2023 ZONING 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.

PRESENTATIONS

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.

Mr. Hackett states he would just like to widen his driveway. He has his truck, his wife's car and now his daughter's car that all have to fit. Mr. Hackett states he is always shifting cars so with the driveway being a little bit wider they would all fit with not having to constantly shift vehicles.

There were no further questions from the board.

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.

Mrs. Johnson states she would like to enclose the rear porch of the house which is built technically under the house so it wouldn't change the actual footprint of the building. That would add enough space to give me the 251 square feet. Mrs. Johnson states she is currently working outside of the home while trying to take care of my mother and it's getting more and more difficult by the day. Mrs. Johnson states she would like to operate a business, just herself, in her own home.

Mr. Cuddahee asks if there will be enough parking for this business. Mrs. Johnson states there is plenty of parking. The driveway holds about 8 cars but there will only be one client at a time so one car in and out.

Mr. McDermott asks how many clients a day will Mrs. Johnson have. Mrs. Johnson states she will have between five and seven a day. One client at a time and the only overlap she will ever have is if someone shows up early or if myself is running a little behind and that doesn't happen often.

There were no further questions by the board.

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 6. The applicant seeks area variance and relief from the percent of lot coverage, front setback, rear setback and size of lot for new construction.

Julia O'Sullivan from Bond, Schoeneck & King is here to represent the applicant. Ms. O'Sullivan asks that the board call a public hearing based on some of the conversations that the firm has had with the town

attorney and the building inspector for the lot coverage and setback so that they can move forward with new development.

Mr. Cuddahee asks if there will be new drawings and measurements provided for the board. Ms. O'Sullivan states that they have submitted quite a few documents within the last couple of months but she will make sure the board has everything they need to proceed.

Mr. Halleen asks if the walkway is for walking or the forklift. Ms. O'Sullivan states she believes it's for walking. Ms. O'Sullivan apologizes and says the project has changed since the last time she was in front of the board but she will get all of our questions answered by the next board meeting. Mr. Haseley states he believes it's just a loading dock, paved area going to the rear for forklift transport.

Mr. Haseley states the applicant has to go in front of the Town Board for a special use permit for Chapter 209 to rezone it to heavy industrial. In order for the Town of move forward on the action of rezoning to heavy industrial, they have to make sure they aren't creating a new lot. Part 6 of Appendix A also states the minimum lot requirement has to be three acres and this is not. Mr. Haseley states his recommendation would be, if the board would like to move forward or grant the variances before them, they make it contingent that the Town Board indeed does move forward with the rezone.

There were no further questions from the board.

MINUTES

Meeting minutes of the Zoning Board of Appeals May 9, 2023.

Mr. Virtuoso made a motion to accept the minutes has presented, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:45 PM.