

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
March 14, 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.

TABLED BUSINESS FROM FEBRUARY 2023

PEMM NIAGARA LLC – QUICKLEES

Area Variance
6021 Porter Road
Tax Map No. 145.14-3-2.11

Applicant seeks relief of Town of Niagara Zoning Ordinance for Chapter 204 signage, § 204-5D (3), signage plan request. Applicant has a total of 17 area variances to be approved in their signage request.

Mr. Terragnoli states that they have made some modifications based on conversations from the last meeting and with the Planning Board with regard to the highway sign. We have reduced the overall height from 115 feet to 100 feet. We also took off one panel, the AMBEST panel, so right now it will show "Travel Center", the unleaded and diesel fuel pricing and then two panels for each of the tenants. Mr. Terragnoli states all in all, what was 115 feet high is down to 100 and the total amount of the sign previously was a total of 926 square feet which has now been reduced to 742 square feet.

Mr. Cuddahee asks if the planning board had any objections to the new dimensions of the sign. Mr. Risman states the planning board had no objections.

Mrs. Wienke asks if the Airbase or Airport have responded to any of the inquiries about the height of the sign. Mr. Terragnoli states the Airbase comments were deferred to the NFTA which we have not received yet.

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 Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

Mr. Halleen made a motion to accept the amended dimensions of the highway sign as submitted on March 9, 2023, contingent upon the NFTA not objecting the sign within the next 30 days, seconded by Mr. McDermott.

ROLL CALL

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

Noes: None

Abstained: None

PUBLIC HEARING

NONE

REGULAR MEETING

PRESENTATIONS

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. Thompson states he moved to the Town of Niagara in 2020 on Isherwood Drive right next to the water building. After closing on the house, Mr. Thompson went to Charles Haseley for a fence permit and was then made aware that there was a stop work order on the driveway from the previous owner. The owner had put down stone down and never got a permit, even though he was planning to put a driveway in. It was stopped at the stone state so I am here more or less trying to rectify the problem from the previous homeowner.

Mr. McDermott asks if the stone goes all the way to the fence. Mr. Thompson states yes, there is about a foot of grass and stone mixed together but it basically goes to the fence.

Mrs. Wienke asks if Mr. Thompson currently owns the home. Mr. Thompson states yes. Mrs. Wienke states when she drove by there was a for sale sign. Mr. Thompson states that it is on the market but it's contingent on going through and getting all the problems elevated. Mr. Thompson states he doesn't plan on doing any work, he is more or less rectifying the problem from the previous owners.

There were no further questions from the board.

MICHAEL CERRONE

AREA VARIANCE

4625 WITMER ROAD

TAX MAP NO. 130.16-1-7, 9 & 11.12

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. Applicant wishes to erect a building for a total height of 45', which is 10' above town code and a north side setback to 5' from the property line allowing for 10' of relief.

Mr. Cerrone states he is looking for relief of the variances requested. If there are any questions the board has, he is willing to answer anything he can.

Mrs. Wienke asks if this is a whole new building. Mr. Cerrone states yes. Mrs. Wienke asks if Mr. Cerrone is asking for 10 feet higher than the Town of Niagara code. Mr. Cerrone states they don't anticipate going up that high, but they are asking for a higher variance that way we don't have to come back for a foot or so.

Mr. Virtuoso asks what the building will be used for. Mr. Cerrone states it's going to be for bulk storage of a material that is called brown fused aluminum which looks like rock or stone but when crushed down into powder it's turned into different products like sandpaper.

Mr. Haseley came in front of the board to state that additional information has come in which includes a survey that was recently done and the property is a little bit different than what the sketch showed. It states on there that there is going to be two lots but they are actually combining three lots. Mr. Haseley gave the board a piece of paper with all of the information on it. Mr. Haseley states they have to amend the application to read three tax map numbers and not just two.

There were no further questions from the board.

ADVANCED DESIGN 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. 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.

Mrs. Kristin Savard states she will be behind the engineering and project management for this application. Ms. Savard states that Mr. Jocoy owns two parcels. The one parcel is where his entire facility is on and he also owns the parcel to the west and north of him. The specific parcel that is to the west and north is

currently undeveloped. We have come up with a plan that doesn't affect his current facility but on the vacant parcel he is proposing to put in a self-storage facility that will be built in two phases. Ms. Savard shows the board a blueprint of what the construction would look like and explains phase one and phase two of the project. Phase one is coming off of its own driveway off Packard Road and would be an impervious area that would be put down as millings and things came available from other projects and once that is complete, we can then construct phase two. Phase two is additional storage buildings. This is where the use variance comes in since we putting up a building and keeping it as a warehouse business/storage type building.

There were no further questions from the board.

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.

MINUTES

Mr. Halleen made a motion to accept the February 14, 2023 minutes as submitted, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 7:10 PM.