

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
November 14, 2023

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

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

PUBLIC HEARING

JAMES PITTMAN

Area Variance
8645 Third Avenue
Tax Map No. 146.17-5-36.1

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-18 B (1). Applicant wishes to erect a detached garage larger than the maximum 650' allowed. Applicant seeks relief of Town of Niagara Zoning Ordinance §245-29 B. Applicant wishes to place a detached garage 10' closer to 2nd Avenue than the 40' required front yard setback.

Public hearing opens at 6:31 PM
Mr. Pittman was for the project
No one was against the project
Public hearing closed at 6:32 PM

TIMOTHY MARTIN

Area Variance
4314 Hurontario Parkway
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.

Public hearing opens at 6:32 PM
Mr. Martin was for the project
No one was against the project
Public hearing closed at 6:33 PM

RICHARD KINDZIA

Area Variance
7212 St. Joseph Road
Tax Map No. 131.20-3-49

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37(E). Applicant would like to expand his residential driveway directly adjacent to the neighboring lot line, 10 feet closer than allowed by Town Code.

Public hearing opens at 6:34 PM
Mr. Kindzia was for the project
No one was against the project
Public hearing closed at 6:35 PM

**DEANNA HYCHE of the BROADWAY GROUP LLC.
MARC ROMANOWSKI agent for the BROADWAY GROUP LLC.**

Area Variance
9400 Lockport Road
Tax Map No. 132.14-1-4

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-54(B)(2). The applicant is requesting 35 parking spaces instead of the 76 parking spaces required.

Public hearing opens at 6:36 PM
No one was for the project
No one was against the project
Public hearing held open

MATTHEW LESTER

Sketch Plan/Area Variance
2700 Military Road
Tax Map No. 145.11-1-37

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37. Applicant is proposing a driveway width of 55 feet at the property line being wider than the allowed 30-foot width.

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37E. Applicant is proposing a drive-thru lane being 2.5 feet from the property line being closer than the required 10-foot minimum setback distance.

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. Applicant is proposing the dumpster coral being 4.3 feet from the side yard which is closer than the required 10-foot side yard setback and 2.5 feet from the rear yard which is closer than the 15-foot rear yard setback.

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. Applicant seeks a variance for a front setback.

Public hearing opens at 6:38 PM

Mr. Johnston was for the project

No one was against the project

Public hearing closed at 6:39 PM

REGULAR MEETING

JAMES PITTMAN

Area Variance

8645 Third Avenue

Tax Map No. 146.17-5-36.1

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-18 B (1). Applicant wishes to erect a detached garage larger than the maximum 650' allowed. Applicant seeks relief of Town of Niagara Zoning Ordinance §245-29 B. Applicant wishes to place a detached garage 10' closer to 2nd Avenue than the 40' required front yard setback.

Mr. Cuddahee states he did receive an email with Mr. Pittman's plans for his garage.

Mr. McDermott asks if the garage is going to have access from the other street. Mr. Pittman states the only entrance will be from Second Avenue. Mr. McDermott states if there will be a driveway put in. Mr. Pittman states right now there's stones from the road to where the garage is going to be so it will stay stone for now.

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

Noes: None

Abstained: None

Mr. Wienke made a motion to approve the variance as submitted, seconded by Mr. Halleen.

ROLL CALL

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

Noes: None

Abstained: None

TIMOTHY MARTIN

Area Variance

4314 Hurontario Parkway

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.

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

Noes: None

Abstained: None

Mr. Halleen made a motion to approve the variance as submitted, seconded by Mr. McDermott.

ROLL CALL

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

Noes: None

Abstained: None

RICHARD KINDZIA

Area Variance

7212 St. Joseph Road

Tax Map No. 131.20-3-49

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37(E). Applicant would like to expand his residential driveway directly adjacent to the neighboring lot line, 10 feet closer than allowed by Town Code.

Mr. McDermott asks if he is putting his driveway right on the lot line. Mr. Kindzia states, yes. Mr. McDermott states normally we try to have it a foot off the lot line, would like cause an issue. Mr. Kindzia states it would cause an issue since the side patio, attached to the garage, is already to the property line. It was put in before I bought the house. If I move the driveway over a foot, it won't look right.

Mr. Cuddahee states that you won't always live there and your next-door neighbors won't always live next to you. There may be water issues with the driveway being right on the lot line so we would like at least a foot off the property line. Mr. Kindzia states he put in gutters that run all the way out to the front. Mr. Cuddahee states it's from the driveway surface itself.

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

Noes: None

Abstained: None

Mr. Halleen made a motion to approve the variance as submitted, seconded by Mr. Virtuoso.

ROLL CALL

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

Noes: Mr. Cuddahee

Abstained: None

DEANNA HYCHE of the BROADWAY GROUP
MARC ROMANOWSKI agent for the BROADWAY GROUP LLC.

Area Variance
9400 Lockport Road
Tax Map No. 132.14-1-4

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-54(B)(2). The applicant is requesting 35 parking spaces instead of the 76 parking spaces required.

There was not representation at the board meeting for this project.

Mr. McDermott made a motion to table this project until the December 12, 2023 zoning board meeting, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

MATTHEW LESTER

Sketch Plan/Area Variance
2700 Military Road
Tax Map No. 145.11-1-37

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37. Applicant is proposing a driveway width of 55 feet at the property line being wider than the allowed 30-foot width.

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-37E. Applicant is proposing a drive-thru lane being 2.5 feet from the property line being closer than the required 10-foot minimum setback distance.

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. Applicant is proposing the dumpster coral being 4.3 feet from the side yard which is closer than the required 10-foot side yard setback and 2.5 feet from the rear yard which is closer than the 15-foot rear yard setback.

Applicant seeks relief of Town of Niagara Zoning Ordinance Appendix A, Part 5. Applicant seeks a variance for a front setback.

Mr. Johnston asks if anyone on the board has any questions or if anyone wants to go over the variances. Mr. McDermott states, no, as long as Mr. Johnston is happy with how all the variances are written due to an error that was made in November.

Mr. McDermott asks if the driveway is already there. Mr. Johnston states it's all pavement right now, the actual driveway itself isn't. Mr. Johnston states they aren't going on Military. There is already an existing cut on Military, we are a little north of that so the cite will have an interior driveway. Mr. McDermott asks if there is only one lane for that driveway. Mr. Johnston states no, it's two lanes.

Mr. McDermott and Mr. Johnston look at the blue print for the driveways and where they are being placed.

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. Halleen.

ROLL CALL

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

Noes: None

Abstained: None

Mrs. Wienke made a motion to approve each variance as submitted, seconded by Mr. Halleen.

ROLL CALL

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

Noes: None

Abstained: None

PRESENTATIONS

MICHAEL ROTELLA

Use Variance

7431 Porter Road

Tax Map No. 145.12-3-33

Applicant is seeking relief of Town of Niagara Code (TNC) Chapter 245 Zoning, Article III. Classes of districts, Section 245-15 compliance with code requirements. subsection 245-15 A in the form of a Use variance to allow for the erection and ultimate use of leasable light industrial (L-1) multiple tenant structures and (L-1) light industrial uses in a (B-1) General Commercial zoned property.

Mr. Rotella states that they are looking to build business units with professional office space with offices and cold storage space. There would be a total of 13 units and from what Mr. Rotella understands because of the functionality of the complex it's considered light industrial. Mr. Cuddahee states it's currently zoned as a (B-1), general commercial and they would like it to be (L-I) light industrial.

Mr. Cuddahee states part of his concern is the Recover Road side of the property. This is where the water retention will be and there are also a couple houses there that are concerned about 24-hour lighting. Mr. Rotella states any lighting they would have would be in the front of the building which would not be facing Recovery Road. Mr. Rotella states when they first went through the process, they had a totally different design for the property. Some of the neighbors were here to address their concerns and we established a berm on the backside of the property with landscaping. Mr. Rotella states originally there wasn't a building blocking Recovery Road, which now there is going to be a building there blocking that road so that will eliminate more of the lights coming off of Porter, Young Street and in that area.

Mr. Halleen asks if there will be doors in the back of the building. Mr. Rotella states, yes, there will be doors. Mr. Halleen asks about lighting for those doors. Mr. Rotella states if it's not required there will be no lights on the back of those doors.

Mr. Cuddahee asks if there will be lighting in the parking lot. Mr. Rotella states that he doesn't anticipate any site lighting in the parking lot unless it's required. Mr. Rotella states any exterior lighting would be directly off the building.

There were no further questions from the board.

MINUTES

Meeting minutes of the Zoning Board of Appeals October 10, 2023

Mr. Virtuoso made a motion to approved the October 10, 2023 minutes as submitted, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 7:35 PM.