

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
October 10, 2023

Present: Richard Halleen, 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

NONE

REGULAR MEETING

PRESENTATIONS

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 asked for a motion from the board to un-table Mr. Pittman's presentation.

Mr. Virtuoso made a motion to un-table Mr. Pittman's presentation, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

Mr. Pittman states he bought his house two years ago and behind the house was dead trees, a swamp and basically a place for people to dump their garbage. He states he cleaned all of the mess up and now he would like to build a nice garage in that space. He would like to use the garage for storage. Mr. Pittman states he has two boats, four vehicles and he would like the space to park vehicle and store equipment.

Mr. Pittman states the reason he is asking for 30-feet from the roadway instead of 40-feet is because of limited space. Mr. Pittman showed the board pictures of other buildings/houses that are closer than 40-feet to the road. Mr. Pittman also showed the board pictures of garbage that was dumped along with tires and paint cans.

Mrs. Wienke asks how big the garage. Mr. Pittman states it's 864 square feet. Mrs. Wienke asks how tall it will be. Mr. Pittman states 14-feet. Mrs. Wienke asks if Mr. Pittman could provide pictures of what he is proposing to build. Mr. Pittman states he received an email from the contractor on what it's going to look like. He states it's a steel building and there are no flammable materials.

Mr. Cuddahee states that the board will need to see some plans of what will be built. Mr. Cuddahee states that in Mr. Haseley's denial letter it states that the size of the garage is 768 square feet in area and now it's 864 square feet in area. Mr. Pittman states that the mistake was his and the area of the garage is 32x24. The correct size of the garage is 768 square feet.

There were no further questions from the board.

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.

Mr. Martin states he would like to put up a 4-foot vinyl fence, approximately 157-feet so that his grandchildren can play in the yard, for our family pet and so that our home can be somewhat protected and have some privacy. Mr. Martin states that it's not the whole yard that is being fenced in, it's just partial yard.

There were no further questions from the board.

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. Kindzia states on his driveway, if you look at the survey, the back part of it changes by 18 inches. As you go towards the road the driveway does curve in. Mr. Kindzia states he has large vehicles, you can't park on the street and every time someone comes to the house the back over the grass. Mr. Kindzia states he just wants everything in line and for everything to look nice.

Mrs. Wienke asks if the garage is on the property line. Mr. Kindzia states he has concrete already on the side of his garage, which was already there when he bought the house, and would like to just follow that concrete all the way down to make it look uniform.

Mr. Kindzia states he did come and get permits for everything that would be done to the house besides the driveway. Which is why there was a stop order in place, not that he was trying to get away with doing this.

There were no further questions from the board.

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.

Both applicants, Deanna Hyche and Marc Romanowski were not present for the meeting.

Our Town attorney, Mr. Auerbach, stated that this project did go before the Planning Board. The Planning Board made a recommendation for the Town Board, only on the subdivision application that they are requesting and a recommendation on SEQR. Mr. Auerbach states before this board acts on the variance, the Town Board has to act on the SEQR. Mr. Auerbach states the Zoning Board can hold the public hearing; the board just can't take the action until the determination of significance is determined by the Town Board acting as the lead agency.

Mr. Cuddahee states that he is scheduling a public hearing for this project for November 14, 2023. Mr. Cuddahee asks for a motion to be put on record for the applicant's public hearing. Mrs. Wienke made a motion to move forward with scheduling the public hearing for November 14, 2023 for the BROADWAY GROUP application, seconded by Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

There were no further questions from the board.

MICHAEL ROTELLA

Use Variance

7431 Porter Road

Tax Map No. 145.12-3-33

Applicant seeks relief of Town of Niagara Zoning Ordinance (TBD). The applicant is currently zoned in a B1 (General Commercial District), the applicant would be using the parcel as General Business which is permitted use according to the Town Code.

Mr. Rotella was not present at the board meeting. Mr. Cuddahee asked the board for a motion to table his application.

Mr. Halleen made a motion to table Michael Rotella's Use Variance project, seconded by Mrs. Wienke.

ROLL CALL

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

Mr. Johnston states they are looking for three area variances. The first one is the proposed driveway width. I would like to mention that the property is privately owned. The old K-Mart which is now the Life Storage, the car wash that was just put in there so all the access to this site right now is going to be via the interior privately owned properties. There is no direct access to this property through Military Road. Mr. Johnston shows the board a blue print of what the area is going to look like. He explains that the driveway width needs to be larger because of the curbs that they will be putting in. With that curb cut being built it shrinks the interior to 30-feet wide so it's just because the radius is for turning movement that we need that a little bigger.

Mrs. Wienke asks if the location is going to be right next to the carwash or more in front of Life Storage.

Mr. Johnston states the second variance is the drive thru being closer than the 10-foot minimum setback. Mr. Johnston is showing the board a blue print of the layout and states that there is going to be shared parking between Life Storage and Starbucks. There is customer/employee parking so for the ease and look and everything we are asking that be closer than allowed.

Mr. Johnston states the third variance is the dumpster. Mr. Johnston is showing the board a blue print of the layout and explains in the northwest corner, that because of the nature of the layout it best fits this shaped lot being placed here. This will make it easy for Modern to come in and grab the dumpsters out instead of interacting with all the customer traffic and pedestrians. Mr. Johnston states it will be nice and screened in with a corral.

Mr. Cuddahee asks if this project was approved by the planning board. Mr. Johnston states they were just in front of them for sketch plan so far. At the end of this month, we will be resubmitting for next months meeting so we hope to be approved by then.

Mr. Halleen asked if there were only five parking spots on that lot. Mr. Johnstons states, yes, just five. Mr. Johnston and Mr. Halleen talk about two different parking lots and the green space that was recommended by the Planning Board.

There were no further questions from the board.

MINUTES

Meeting minutes of the Zoning Board of Appeals September 12, 2023.

Mr. Virtuoso made a motion to approve the September 12, 2023 minutes as submitted, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

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