

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
September 12, 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 ORTMAN

Area Variance
1955 Juron Drive
Tax Map No. 146.17-1-29

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-29 B. Applicant wishes to install a swimming pool 9 linear feet from the property line at Lozina Drive, 12.15 linear feet closer than allowed.

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

ADVANCED DESIGN GROUP, AGENT FOR JOE CECCONI'S CHRYSLER SERVICE CENTER

Area Variance
2429 Military Road
Tax Map No. 145.16-2-29

Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245 Zoning Appendix A. Part 5. The existing structures proposed new use (motor vehicle service garage) requires a minimum side yard setback of 20 feet, only 1 foot setback is provided for along the west side of the building.

Public hearing opens at 6:33PM
Mr. Johnston was for the project
No one was against the project
Public hearing closed at 6:34PM

REGULAR MEETING

STEVE ORTMAN

Area Variance
1955 Juron Drive
Tax Map No. 146.17-1-29

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-29 B. Applicant wishes to install a swimming pool 9 linear feet from the property line at Lozina Drive, 12.15 linear feet closer than allowed.

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 Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

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

ROLL CALL

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

Noes: None

Abstained: None

ADVANCED DESIGN GROUP, AGENT FOR JOE CECCONI'S CHRYSLER SERVICE CENTER

Area Variance
2429 Military Road
Tax Map No. 145.16-2-29

Applicant seeks relief of Town of Niagara Zoning Ordinance Chapter 245 Zoning Appendix A. Part 5. The existing structures proposed new use (motor vehicle service garage) requires a minimum side yard setback of 20 feet, only 1 foot setback is provided for along the west side of the building. Mr. Johnston states the property is currently the old Four Seasons movie theatre and Joe Cecconi is purchasing it as a service warehouse and storage. Since they are switching the use of the property to motor vehicle use, it requires a 20-foot side yard setback and existing is only one foot right now.

Mr. Cuddahee asks if the west side is towards the parking lot side, not the woods side, correct. Mr. Johnston states, correct it's towards the parking lot.

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 Mr. Virtuoso.

ROLL CALL

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

Noes: None

Abstained: None

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

ROLL CALL

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

Noes: None

Abstained: None

PRESENTATIONS

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.

Mr. Romanowski was there on behalf of the Broadway Group to answer any questions on the pending area variance application that has been submitted. Mr. Romanowski states there will be a Tim Horton's going in along with the Dollar General. Mr. Romanowski states the request before the zoning board is parking. The zoning code requires, based on the footage of the store which is about 10,000 square feet, requires 76 spaces which is very high. In Dollar General's experience typically, these stores are around the 30-spot need. For this specific store we are proposing 35 spaces. Based on our experience, doubling the amount of parking seems excessive and leads to building a lot of extra infrastructure that's simply not necessary. More paving, more storm water, more lighting, all things that the stores don't demand.

Mr. Romanowski states that this presentation is to just get some initial feedback from this board. The application package has been submitted into the Town since about April or May and fundamentally it hasn't changed at all. The only change from the initial application to this stage now, we've submitted a subdivision application which incorporated the Tim Horton's on the adjacent property and we've been proceeding through that. Otherwise, there hasn't been any significant changes. We did submit traffic studies relative to that sight in particular with concerns with Amazon going in across the street and there really isn't any significant impacts from a traffic stand point.

Mr. McDermott asks if all of the lots are owned by Broadway Group. Mr. Romanowski states Broadway Group is acquiring almost all 14 acres. Mr. Romanowski states there is a piece that is staying with the owner because of a cell tower that is located there.

Mr. Cuddahee asks if this is a formal request. He states that there isn't anything is writing with a specific variance. Mr. Romanowski states he will be submitting the package again which will have the formal variance request.

Ms. Hyché states would like to talk about hardship. Ms. Hyché states the soils are a bit challenging when it comes to drainage. There's a high-water table there so from a stand point of chambers and needing to accommodate the run off from what 76 spaces would require is a challenge. It can be done, but a board member asked about hardship so environmentally it would be better from a stand point for the property to reduce those spaces.

Mr. Cuddahee asks if the 35 spaces will satisfy the needs of parking. Mr. Romanowski states yes, absolutely. There are a number of stores regionally that are slightly smaller around the 9,000-foot range and those have typically 30-32 spaces and none of them hit capacity. Mr. Romanowski states Dollar General's are quick in and out stores so it's never been a problem.

There were no further questions from the board.

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. Pittman was not present at the meeting.

Mr. Cuddahee asked the board for a motion to table the project to the next meeting's date which is October 10, 2023.

Mr. McDermott made a motion to table Mr. Pittman's presentation until the October 2023 meeting, seconded by Mrs. Wienke.

ROLL CALL

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

Noes: None

Abstained: None

MINUTES

Mr. Virtuoso made a motion to approve the August 8, 2023 minutes as submitted, seconded by Mr. McDermott.

ROLL CALL

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:55 PM.