**TOWN OF NIAGARA**

COUNTY OF NIAGARA, STATE OF NEW YORK NIAGARA FALLS, N.Y.



 7105 Lockport Road PHONE: 297-2150

Niagara Falls, New York 14305 FAX: 297-9262

**TOWN OF NIAGARA**

**ZONING BOARD OF APPEALS**

**PUBLIC HEARING MEETING MINUTES**

**REGULAR MEETING MINUTES**

**April 9, 2024**

**Present:** Richard Halleen, JoAnna Wallace, Guido Virtuoso,

Chris MacKenzie (alternate acting as voting member)

Jackie Duff - Secretary, Thomas Cuddahee - Chairman

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

#

Mr. Cuddahee welcomes Chris Mackenzie as an alternate member and Jackie Duff as the secretary.

# PUBLIC HEARING

**PATRICK J. LUM**

Area Variance

4002 Seneca 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. Lum was for the project.

No one was against the project. Public hearing closed at 6:33

# PUBLIC HEARING LEFT OPENED DURING THE DECEMBER 12, 2023 MEETING:

**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.

Mr. Halleen made a motion to un-table the public hearing that was left from the December 12 2023.

Mr. Virtuoso made a motion to second

**ROLL CALL**

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee,

Noes: None

Abstained: None

Mr. Romanowski spoke on the project for the Broadway group. Mr. Romanowski stated that they were in front of the zoning board again in regards to the number of parking stalls at the Dollar General. The code requires 76 spots which he states is an extremely large number for a store like this. The experience of the Dollar General across the country is that mid 30s is an adequate number for a store of this size. The project has been through a site plan recommendation from the planning board and to the town board, the town board has issued a negative Declaration on the SEQR. They have worked extensively with the county on traffic concerns and driveway access, and the air base has weighed in as well. There aren’t significant changes from when the zoning board had last seen the site plan. The only change that occurred was that the county wanted a right out only from the Tim Hortons driveway just because of where it was with respect to Tuscarora Drive. But no changes were made to the Dollar General site.

Mr. Romanowski showed the location of the parcels including all four Lots 1.7 acre parcel for Dollar General. The existing cell tower parcel. The larger Tim Hortons parcel and the vacant lot in the back.

Mr. Cuddahee asked about the common driveway between Tim Hortons and Dollar General. Mr. Romanowski explained that it's a connector that goes across and links to the Tim Hortons. Mr. Cuddahee asked if there would be two entrances out on to Lockport Road and Mr. Romanowski confirmed that that was correct.

Mr. Romanowski also stated that the Tim Hortons site had a connection on to Tuscarora as well. Mr. Romanowski stated that the DOT did not have any concerns about the connector that goes over to the Tim Hortons site and that that driveway has full movement. He stated that both these users don't generate a lot of new traffic. And that they are just feeders that picks up the passer-by traffic and capitalizes on that. All the traffic analysis was also done using full built traffic numbers as part of the analysis. He also mentioned that the numbers were looked at for the purpose of the army base because they wanted to make sure that there wasn't anything that would affect them on drill weekends but drill weekend numbers are less than Amazon on a weekday which assuaged their concerns.

He states that part of the benefit of keeping the parking lot at the 35 rather than the 76 stall range is that it gives them the ability to have more green space.  He states that it would be an additional 13,000 sq. ft. of additional black top to add those additional spots. And it wouldn't provide any benefit to the community because it was just for parking spots. He states that the rest of the site is code compliant so this is the only variance that is needed.

Mr Romanowski offered to Show additional new elevation drawings.  He then offered to answer any additional questions that the zoning board might have.

No one from the public stepped forward to speak on the project.

Mr. Halleen made a motion to close the public hearing. Mr. Virtuoso seconded.

ROLL CALL

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee,

Noes: None

Abstained: None

# REGULAR MEETING

 **PATRICK J. LUM**

Area Variance

4002 Seneca 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. Cuddahee asks if anyone having examined the application versus the five criteria of the area variance if anyone will make a motion to accept it.

Mr. Halen makes the motion. Mrs. Wallace seconds.

ROLL CALL

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee,

Noes: None

Abstained: None

# TABLED AT THE NOVEMBER 14, 2023 MEETING:

**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.

Mr. Cuddahee asks if there are any questions or discussions from the board, no one has any question.

Mr. Virtuoso makes the motion to approve the applicant as submitted. Mr. Halleen seconds.

**ROLL CALL**

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee

Noes: None

Abstained: None

# PRESENTATIONS

(NONE)

# MINUTES

Meeting minutes of the Zoning Board of Appeals March 12, 2024.

Mr. Cuddahee asks if everyone got the email minutes. Mr. Halleen makes a motion to approve the minutes for March. Mrs. Wallace seconds.

Mr. Halleen Motions to approve the minutes. Mrs. Wallace Seconds.

**ROLL CALL**

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee

Noes: None

Abstained: None

 Motion to adjourn made by Mr. Halleen. Mr. Virtuoso seconds

Seconded by

**ROLL CALL**

Ayes: Mrs. Wallace, Mr. MacKenzie, Mr. Virtuoso, Mr. Halleen, Mr. Cuddahee

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:47 PM

Respectfully submitted

Jackie Duff