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**

**July 09, 2024**

**Present:** Jody Wienke, JoAnna Wallace, Guido Virtuoso,

Richard Halleen, Jackie Duff - Secretary, Thomas Cuddahee - Chairman

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

**PRESENTATIONS – As of 06/18/2024**

1. **Matthew McCall**

Area Variance

7598 Beechwood Cir

Tax Map # 145.08-2-44

Applicant seeks relief of the Town of Niagara Zoning Ordinance 245 Article 4 §245-18 (B) (2).

The applicant wishes to erect an addition to a shed measuring 12 ft. by 26 ft. for a total area of 312 sq. ft.  which is 112 sq. ft. larger than the 200 sq. ft. maximum allowed.

Matthew McCall states says that a couple of years ago, they built his shed and now but they now have a two-year-old, so there are bicycles to store, and he lost his shed to the storage of bicycles and cozy coops, and a lot of other child toys. So they want to look at possibility of adding an additional shed which they certainly could do, but don't like the idea of having multiple sheds and just wanted to simplify it and make it one cohesive design. The goal is to make it slightly larger so it still fits in the same area. Still the same Aesthetic. Still the same Design. Everything is all the same. It is one rigid structure. Therefore, they can obviously have more storage accessible to current and future children.

Mr. Cuddahee asks if it is height Compliant.

Mr. McCall confirms that it is and that they just need the variance for square footage.

Mr. Cuddahee asks if anyone has any questions. No Questions are asked.

Mr. Cuddahee closes the presentation.

1. **Kyle Tomlin / Ink & Oil Tattoo**

Area Variance

3757 Military Rd

Tax Map No. 131.18-2-13

Applicant seeks relief of Town of Niagara Zoning Ordinance (TNC) chapter 204 Signs, section

204-5 signs permitted in nonresidential district. The applicant wishes to erect a sign closer than the minimum 15-foot setback allowed by Town code.

Kyle Tomlin states that he would like to put a sign in front of his business. There was a sign there before, which was cut down by the old owner the before they bought the place. If they put the sign up to comply with the town code then viewing would not be visible from the road because of the parking lot set up.

Kevin Tomlin adds that everything is already there from the past sign: the electrical and the landscaping. He offers to show a picture for more information about it.

Kevin Tomlin says that it would make it a lot easier to just to erect it right there as they do not have to rerun the power and all that stuff. He shows the photo and explains where they are looking to put the sign where it was originally.

Mrs. Wienke asks for clarification on where the business is located. Mr. Tomlin confirms that he is in the building where Dr. Whalen used to be across from the lawyers.

Mr. Cuddahee asks Mr. Haseley if a permit from the state will be needed, as Military Rd is a state highway. Mr. Haseley explains that the proposed sign does not encroach on the state right of way and the variance is solely in regards to town setback codes therefore the state does not need to weigh in.

Mr. Tomlin states that the sign is 4ft wide by 6 ft. high he shows a picture of the sign.

Mr. Cuddahee asks if anyone has any questions. No Questions are asked.

Mr. Cuddahee closes the presentation.

**PUBLIC HEARING**

1. **Matthew McCall**

Area Variance

7598 Beechwood Cir

Tax Map # 145.08-2-44

Applicant seeks relief of the Town of Niagara Zoning Ordinance 245 Article 4 §245-18 (B) (2).

The applicant wishes to erect an addition to a shed measuring 12 ft. by 26 ft. for a total area of 312 sq. ft.  which is 112 sq. ft. larger than the 200 sq. ft. maximum allowed.

Mr. McCall was for the project.

No one was against the project.

Public hearing closed at 6:38 pm

1. **Kyle Tomlin / Ink & Oil Tattoo**

Area Variance

3757 Military Rd

Tax Map No. 131.18-2-13

Applicant seeks relief of Town of Niagara Zoning Ordinance (TNC) chapter 204 Signs, section

204-5 signs permitted in nonresidential district. The applicant wishes to erect a sign closer than the minimum 15-foot setback allowed by Town code.

Kevin Tomlin, Kyle Tomlin and Annette Tomlin were for the project.

No one was against the project.

Public hearing closed at 6:39 pm

**REGULAR MEETING**

1. **Matthew McCall**

Area Variance

7598 Beechwood Cir

Tax Map # 145.08-2-44

Applicant seeks relief of the Town of Niagara Zoning Ordinance 245 Article 4 §245-18 (B) (2).

The applicant wishes to erect an addition to a shed measuring 12 ft. by 26 ft. for a total area of 312 sq. ft.  which is 112 sq. ft. larger than the 200 sq. ft. maximum allowed.

Mr. Cuddahee asks if anyone has any concerns or questions, All Zoning Board members have no questions or concerns. Mr. Cuddahee asks if having balanced the application versus the five criteria of the area variance is there anyone willing to make a motion to approve the variance as submitted.

Mr. Virtuoso made a motion approve the applicant as submitted. Mrs. Wienke seconds.

**ROLL CALL**

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

Noes: None

Abstained: None

1. **Kyle Tomlin / Ink & Oil Tattoo**

Area Variance

3757 Military Rd

Tax Map No. 131.18-2-13

Applicant seeks relief of Town of Niagara Zoning Ordinance (TNC) chapter 204 Signs, section

204-5 signs permitted in nonresidential district. The applicant wishes to erect a sign closer than the minimum 15-foot setback allowed by Town code.

Mr. Cuddahee asks if anyone has any concerns or questions, All Zoning Board members have no questions or concerns. Mr. Cuddahee asks if having balanced the application versus the five criteria of the area variance is there anyone willing to make a motion to approve the variance as submitted.

Mr. Halleen made a motion approve the applicant as submitted. Mrs. Wallace seconds.

**ROLL CALL**

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

Noes: None

Abstained: None

# MINUTES

Meeting minutes of the Zoning Board of Appeals June 11, 2024.

Mr. Cuddahee asks if everyone got the email minutes.

Mrs. Wallace Motions to approve the minutes. Mrs. Wienke Seconds.

**ROLL CALL**

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:41 PM

Respectfully submitted

Jackie Duff