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**

**June 11, 2024**

**Present:** Jody Wienke, 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.

# PRESENTATIONS

**David C Smith Sr. Enterprises LLC.**

Area Variance

10235 Porter Rd

Tax Map No. 146.19-2-2

Applicant seeks relief of Town of Niagara Zoning Ordinance §245-16 Appendix A, Part 5. Applicant seeks an area variance for a front setback of 20.72 ft., 39.28 ft. closer than the 60 feet minimum allowed, for a side setback of 1.37 ft., 18.63 ft. closer than the 20 feet minimum allowed, and for a rear setback of 15.45 ft., 4.55 ft. closer than the 20 feet minimum allowed.

Tim Arlington of Apex consulting for Joe Smith the owner of the building. Mr. Smith owns the Chevy/GMC dealership across the street and owns the building that we are talking about this evening. Mr. Arlington explains that the purpose of the addition is to add approximately 380 square feet so that Mr. Smith can have four bays for servicing and detailing work. The current building has a small glass enclosure on the south side, which is not very usable. He states that the lot is currently non-conforming because it is a strange trapezoidal shape so it does not currently meet the setback or dimensional requirements of the town zoning ordinances. Therefore, for an addition they need further relief as stated.  The existing front setback off the boulevard is now only 20.7 ft. while the west side of the building is currently sits at a little over a foot. Additionally the rear Porter road setback currently does not meet the setback requirements either. He states that if you look along the boulevard and Porter Rd. most of the existing properties are undersize and most do not meet the 60-foot setback requirement or do not meet the other setbacks so it is consistent with the neighborhood.

The benefit for Mr. Smith for the project would be that it enables him to make better use of the building as an economic benefit with additional bays. Mr. Arlington states that they would not be impacting any of the neighbors because they're not really changing much other than what currently exists.

Mr. Arlington states that they did present this plan to the planning board last week and the planning board was supportive and recommended their approval to the town board pending relief from of the zoning board of appeals.

Mr. Smith shows a rendering of the exterior of the building.  Mr. Arlington states that Mr. Smith is going to put matching ACM panels on the building as well as painting on the entire building and signs to match the existing service department across the street. He states that Mr. Smith is committed to providing aesthetic improvements in addition to the proposed square footage addition.

Mr. Arlington asks if anyone on the board or in the audience has any questions.

Mr. MacKenzie asks if the building will be used for repairs or if it will just strictly be for washing and detailing. Mr. Smith explains that he does not plan on changing oil or doing repairs. He has two bays and they are looking to make it four. He states that 80% of the work is internal, although they will take customers off the street.  He also explains that it is not really a two-bay addition because part of what will become bays is already an existing office but the office is currently just useless space. He states that he would actually consider it more like a one-car garage addition.

Mr. McKenzie asks if the waste oil separators at the far end of the existing building are a suitable size for drainage for all four bays. Mr. Arlington confirms that they are.

Mr. Cuddahee closes the presentation.

# PUBLIC HEARING

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Mr. Arlington and Mr. Smith were for the project.

No one was against the project. Public hearing closed at 6:40 pm

# REGULAR MEETING

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

**ROLL CALL**

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

Noes: None

Abstained: None

# MINUTES

Meeting minutes of the Zoning Board of Appeals April 9, 2024.

Mr. Cuddahee asks if everyone got the email minutes.

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

**ROLL CALL**

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

Noes: None

Abstained: None

Motion to adjourn made by Mr. Virtuoso. Mrs. Wienke seconds

**ROLL CALL**

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

Noes: None

Abstained: None

As there was no further business, the meeting ended at 6:40 PM

Respectfully submitted

Jackie Duff