



INCORPORATED:  
APRIL 18, 1854

# Village of Youngstown

VILLAGE CENTER • 240 LOCKPORT STREET  
P. O. BOX 168  
YOUNGSTOWN, NEW YORK 14174-0168

TELEPHONE:  
(716) 745-7721  
FAX:  
(716) 745-3400

February 7, 2024

Present: Chairperson Thomas Murphy, Member Keith Hartloff, Member James Carminati, Member William Lolo, Alternate Member Jennifer Dick, Zoning Board of Appeals Clerk Amy Beaudreau

The meeting of the Village of Youngstown Zoning Board of Appeals for the application of the Village of Youngstown for property located at 120 Lockport Street, Youngstown was called to order at 6:31 p.m. by Chairperson Murphy.

Attorney Thomas Caserta was present to represent the Village application. Mayor Rob Reisman was also present.

The following notice was mailed to all residents within 500 feet of the property line (of the applicant) on January 31, 2024. It was also published in the Niagara Gazette on February 2, 2023.

## ***VILLAGE OF YOUNGSTOWN ZONING BOARD OF APPEALS NOTICE OF PUBLIC HEARING***

*NOTICE IS HEARBY GIVEN THAT, pursuant to Village Law and the Zoning Ordinances of the Village of Youngstown, a public hearing will be held by the Zoning Board of Appeals, at the Village Center, in the Board Room at 240 Lockport St., Youngstown, NY on Wednesday, February 7 at 6:30 p.m. for the purpose of hearing and considering the following application for a variance:*

*Appeal by the Village of Youngstown for property located at 120 Lockport Street requesting an Area Variance of approximately 1000 square feet. The current parcel is approximately 6500 square feet; however, the Village will be retaining a portion of the parcel that is approximately 1500 square feet. The remaining lot will be approximately 5000 square feet. The newly created parcel will be less than the required 6000 square feet minimum lot size.*

*On-site inspection at 120 Lockport Street will take place at 6:00 p.m. Applicant or representative must be present. Complete application is available for viewing at the Village Clerk's office during normal business hours.*

*Amy L. Beaudreau  
Zoning Board of Appeals and Planning Board Clerk*

Chairperson Murphy stated that the application was straightforward and explained that the variance will address creating a parcel that is less than the minimum area required. He stated that no building permit was denied but having the area variance is a pre-condition for the sale of the property. The ZBA did an on-site inspection at 6:00 p.m. and a survey was provided to all Members to review.

Chairperson Murphy explained that as per the zoning code, the minimum lot size in the commercial district is 5000 square feet. The current parcel is approximately 6500 square feet; however, the Village will be retaining approximately 1500 square feet for the water tower. The remaining approximate 4500 square feet parcel will need an area variance of approximately 1000 square feet.

A motion to open the public hearing was made by Member Hartloff and seconded by Member Carminati. All in favor, motion carried. Chairperson Murphy asked if anyone in the audience had questions or comments.

Property Owner Barb Costello wanted to confirm that the water tower would be maintained by the Village and joined the DPW parcel behind it. Chairperson Murphy confirmed she was correct and that variance was needed so that the Village was not selling a non-conforming lot.

Attorney Caserta stated that the land under the water tower of approximately 1500 square feet is effectively unusable to any future property owners of that parcel. Ms. Costello understood.

Member Carminati displayed the area on his phone to Ms. Costello so that she had a better understanding of where her property was in relation to the area being maintained and merged by the Village.

Attorney Caserta stated that although it is not a determining factor for this application, it is positive to be bringing another business into the Village. All Members agreed.

With no further comments or questions, a motion to close the public hearing was made by Member Lolo and seconded by Member Hartloff. All in favor, motion carried.

Chairperson Murphy explained that the Board considers the following five questions prior to granting a variance and stated that after the question is read, he wanted each member to agree or disagree.

1. *Will the requested variance result in an undesirable change to the character of the neighborhood or be a detriment to nearby properties?*

Each Member stated no.

2. *Could the benefit sought by the applicant be achieved by a feasible alternative to the requested variance?*

The Members agreed the answer was no.

3. *Is the requested variance substantial?*

Two Members initially thought it may be substantial, however, upon brief discussion, Chairperson Murphy explained that the variance percentage was minimal and the Members agreed.

4. *Will the requested variance have an adverse impact on the physical or environmental conditions in the neighborhood?*

The Members agreed that there would be no adverse impact.

5. *Is the need for the requested variance self-created and, if so, does that factor pose a significant obstacle to the requested relief?*

All Members agreed that this is not self-created.

With no further discussion, a motion to approve the variance as requested was made by Member Hartloff and seconded by Member Lolo.

Chairperson Murphy asked each Member for their vote:

Alternate Member Dick: Yes

Member Hartloff: Yes

Chairperson Murphy: Yes

Member Carminati: Yes

Member Lolo: Yes

All in favor, motion carried.

Chairperson Murphy stated the area variance is granted and specific to this application for the one and only water tower in the Village.

Chairperson Murphy stated that because this is a Type II action, a SEQR is not required.

With no further discussion, a motion to adjourn the meeting at 6:41 p.m. was made by Member Hartloff and seconded by Member Lolo. All in favor, motion carried.

Respectfully submitted,

*Amy L. Beaudreau*

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Zoning Board of Appeals Clerk

Village of Youngstown