BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, January 16, 2017 6:05 P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN BRAUN.

ROLL CALL

Present:

Chairman Braun

Commissioner Dreier, Evans, Haacker, Lemke

Absent:

None

Also Present:

Assistant City Attorney Luke Brown Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF NOVEMBER 14, 2016

MOVED by Commissioner Evans SECONDED by Commissioner Lemke That the minutes of the regular session held November 14, 2016 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

(5) (0)

Nays: None CARRIED.

PROOF OF PUBLICATION PUBLISHED JANUARY 7, 2017

MOVED by Commissioner Dreier SECONDED by Commissioner Evans That the proof of publication presented by the Clerk of the Board of Appeals of the notice of a public hearing of the various appeals filed with and to be presented at the regular session of the Board of Appeals, which was published January 7, 2017 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

(5)

Nays: None CARRIED.

(0)

OLD BUSINESS

#1

"SPECIAL USE PERMIT" REQUESTED TO CONDUCT OUTDOOR STORAGE OF MOTOR VEHICLES IN ACCORDANCE WITH SECTION [§ 103-18B (4) OF THE CITY ZONING CODE.]

James Bevilacqua 668 Fairmont Avenue North Tonawanda, NY 14120 Re: Special Use Permit to store motor vehicles on an empty lot located at 33 Plastics Drive

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested special use permit.

MOVED by Commissioner Evans SECONDED by Commissioner Dreier That the Zoning Board of Appeals made no decision on the SEQR and tabled the aforementioned request for new site plans and inspection by the Fire Department and **Building Inspector.**

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

Navs: None (0)

CARRIED.

SECOND by Commissioner Dreier MOVED by Commissioner Haacker To Amend the following New Business #1 request from a 4' solid wall to 6' solid wall. Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

Nays: None (0)

CARRIED.

NEW BUSINESS

AREA VARIANCE TO CONSTRUCT A 6' SOLID WALL @ FRONT YARD. [§103-12 E (4)(5) AND BE ABLE TO USE REQUIRED FRONT YARD FOR OTHER THAN EMPLOYEE PARKING - SOLID FENCE OR WALL NOT PERMITTED IN FRONT YARD, REQUIRED YARDS SHALL BE USED ONLY FOR OFF-STREET PARKING OF EMPLOYEES AND VISITORS].

Mark Brodfuhrer 2954 Fitch Road Ransomville, NY 14131

Re: Area variance to construct a 6' solid wall in front yard of property located at 118 Sommer Street to provide off street parking for employees and visitors.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

Donald Foss 98 Sommer Street - Spoke in favor of the aforementioned request.

Sonia Dusza 123 Miller Street - Spoke against the aforementioned request.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5) Nays: None

CARRIED.

(0)

MOVED by Commissioner Dreier SECONDED by Commissioner Braun That the Zoning Board of Appeals approves the area variance to Mark Brodfuhrer 2954 Fitch Road, Ransomville, NY 14131, to let stand a 6' stone wall in front yard of property located at 118 Sommer Street. Buffer Zone on North end must be free and parking for employees and visitors must use other Buffer Zones. The request will not change the character of the neighborhood, there was not an alternate solution, the request was not substantial, the request will not have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was not self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO ERECT A 40' X 50' ADDITION TO EXISTING GARAGE STRUCTURE. [103-15 (B)(1)(a) ACCESSORY BUILDING CANNOT EXCEED FIFTEEN FEET IN HEIGHT]. [§103 (C)(4)(4c) GARAGES ARE LIMITED TO 750 SQUARE FEET]. [§103(C)(4)(d) MAXIMUM ALLOWABLE REAR YARD COVERAGE IS 25%].

Donald Foss 98 Sommer Street North Tonawanda, NY 14120 Re: Area Variance to erect a 40' x 50' addition to existing garage

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

Sonia Dusza 123 Miller Street - Spoke against the aforementioned request.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #3a to less than 1 area, #4 to residential, #5a and 5b to NO, #6 to NO, #9 to NO and #14 to Suburban.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun
Nays: None
CARRIED.
(5)

MOVED by Commissioner Braun SECONDED by Commissioner Haacker That the Zoning Board of Appeals denied the area variance to Donald Foss 98 Sommer Street, to erect a 40' x 50' addition to existing garage. The request will change the character of the neighborhood, there was an alternate solution, the request was substantial, the request will have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was self-created.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun
Nays: None
CARRIED.
(5)

#3

AREA VARIANCE TO CREATE 3 APARTMENTS IN BUILDING PREVIOUSLY USED AS A MOTEL. [§103-8 (C)(1)(b) 3000 SQUARE FEET OF LAND IS REQUIRED PER DWELLING UNIT]. [§103-8 (F)(2) FOR 2 OR MORE DWELLING UNITS, EACH UNIT MUST BE A MINIMUM OF 500 SQUARE FEET].

Norma Rosa, Doratex LLC 191 Bryant Street North Tonawanda, NY Re: Area Variance to create 3 apartments in building previously used as a motel located at 686 Niagara Falls Blvd.

At this time the Chairman asked if anyone wanted to speak for or against the requested variance.

There were no speakers for or against the requested special use permit.

MOVED by Commissioner Braun SECONDED by Commissioner Haacker That the Zoning Board of Appeals made no decision on the SEQR and tabled the aforementioned request for more specific detail of request, letters from surrounding neighbors and inspection by the Building Inspector.

Ayes: Commissioner Drier, Evans, Haacker, Lemke, Braun

(5) (0)

Nays: None CARRIED.

ADJOURNMENT

MOVED by Commissioner Evans SECONDED by Commissioner Dreier That the meeting of the Zoning Board of Appeals be adjourned. CARRIED.

Time Adjourned: 7:23 P.M.

Next Regular Meeting: February 13, 6:00 P.M.

Respectfully submitted,

Daniel R. Quinn

City Clerk-Treasurer