

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, October 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 Nick Robinson
Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF SEPTEMBER 18, 2017

MOVED by Commissioner Evans SECONDED by Commissioner Lemke
That the minutes of the regular session held September 18, 2017 be approved as circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 9, 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 September 9, 2017 be received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

AREA VARIANCE TO CONSTRUCT A 1,890 SQUARE FOOT TWO STORY DETACHED GARAGE. [§103-6 A (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQUARE FEET IN ANY RESIDENTIAL ZONE.]

Sean Mulligan
1199 Nash Road
North Tonawanda, NY 14120

Re: Area Variance to construct a 1,890
Sq. Ft. two story detached garage at
1199 Nash Road.

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 area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
 That the Zoning Board of Appeals hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change to #3a to less than acre, #5a to No, #5b to No and #9 to Yes.
 Ayes: Commissioner Dreier, Evans, Haacker, Lemke (4)
 Nays: None (0)
 Abstained: Commissioner Braun (1)
 CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
 That the Zoning Board of Appeals denies the aforementioned request to Sean Mulligan 1199 Nash Road. 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: None (0)
 Nays: Commissioner Dreier, Evans, Haacker, Lemke (4)
 Abstained: Commissioner Braun (1)
 CARRIED.

NEW BUSINESS

#1

AREA VARIANCE TO INSTALL A 6' FENCE @ RIGHT SIDE YARD. [§103-15C (1) (b) FENCES NOT PERMITTED IN RESTRICTED AREA, CORNER LOT MODIFICATION.]

Tara Milne
 1150 Raymond Street
 North Tonawanda, NY 14120

Re: Area Variance to install a 6' fence on side lot of property located at 1150 Raymond Street.

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 area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
 That the Zoning Board of Appeals hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change to #3a to less than acre.
 Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)
 Nays: None (0)
 CARRIED.

MOVED by Commissioner Haacker SECONDED by Commissioner Evans
 That the Zoning Board of Appeals hereby approves an area variance to Tara Milne 1150 Raymond Street to install a 6' fence on side lot of property with a 45% cut at 15' on Doebler Street. 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 8' X 23'-9" COVERED PORCH ON FRONT OF DWELLING. [§103-15 (C) (9) (a) (3a) SETBACK MUST BE WITHIN (3) THREE FEET OF COMPUTED AVERAGE SETBACK.]

Robert Patkalitsky
228 Belmont Ct. East
North Tonawanda, NY 14120

Re: Area Variance to erect a 8' x 23'-9"
covered porch on front of dwelling
located at 228 Belmont Ct. East.

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 area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Lemke
That the Zoning Board of Appeals hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change to #3b to 24' x 8', #5a to No, #5b to No, and #9 to Yes.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Evans SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby approves an area variance to Robert Patkalitsky 228 Belmont Ct. East to erect a 8' x 23'-9" covered porch on front of dwelling of the aforementioned property with approved setback. 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.

#3

AREA VARIANCE TO ERECT A 20' X 20' ADDITION TO EXISTING DETACHED GARAGE. [§103-15 (C) (4) (4c) GARAGE TOTAL CANNOT EXCEED 750 SQUARE FEET TOTAL.] EXISTING GARAGE IS 900 SQUARE FEET.

Roy A. Johnson
284 Warner Avenue
North Tonawanda, NY 14120

Re: Area Variance to erect a 20' x 20'
addition on existing detached garage
located at 284 Warner Avenue.

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 area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier
That the Zoning Board of Appeals hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change #1 to No, #2 to Yes, #3a to less than acre, #5a to No, #5b to No and #14 to Suburban.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby approves an area variance to Roy Johnson 284 Warner Ave. to construct an addition on existing garage but with modifications to a 10' x 20' addition. 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.

#4

AREA VARIANCE TO ERECT A 18'-3" X 23' ADDITION TO REAR OF EXISTING GARAGE. GARAGE TOTAL SQUARE FEET WILL BE 1,040 SQUARE FEET. [§103-6 (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD.]

**Paul Gorman
1077 Sweeney Street
North Tonawanda, NY 14120**

Re: Area Variance to erect a 18'-3" x 23' addition to rear of existing garage located at 1077 Sweeney Street.

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 area variance.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Lemke
That the Zoning Board of Appeals hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change to #2 to Yes, #4 to Residential, #5a to No, #5b to No and #9 to No.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Lemke **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby approves an area variance to Paul Gorman 1077 Sweeney Street to construct a 18'-3" x 23' addition to rear of existing garage with removal of old structure. 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.

ADJOURNMENT

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

Time Adjourned: 7:02 P.M.

Next Regular Meeting: November 20, 6:00 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "D. Quinn", written in black ink.

**Daniel R. Quinn
City Clerk-Treasurer**