BOARD OF APPEALS Regular Session North Tonawanda, New York 14120 Monday, November 20, 2017 6:08 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:	City Attorney Luke Brown Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF OCTOBER 16, 2017

MOVED by CommissionerEvansSECONDED by CommissionerDreierThat the minutes of the regular session held October 16, 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 OCTOBER 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 October 7, 2017 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun	(5)
Nays: None	(0)
CARRIED.	

NEW BUSINESS

#1

AREA VARIANCE TO CONSTRUCT A 50' X 60' SINGLE STORY STORAGE BUILDING LESS THAN THE REQUIRED 25' FRONT SET BACK. [§103-12 D (1) MINIMUM FRONT YARD SET BACK IN AN M-1 ZONE NOT PERMITTED TO BE LESS THAN 25'.]

Richard Fix 108 Sommer Street North Tonawanda, NY 14120

Re: Area Variance to construct a 50'x60' steel storage building on property located at 108 Sommer Street.

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

<u>Sonia Dusza 123 Miller Street</u> – Spoke against the construction of a storage building at 108 Sommer Street.

2

MOVED by Commissioner BraunSECONDED by Commissioner HaackerThat the Zoning Board of Appeals tables the aforementioned request to Richard Fix108 Sommer Street. Applicant needs an updated SEQR given to the Clerk's Officebefore next meeting before the board will make their decision.

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

(5) (0)

#2

AREA VARIANCE TO INSTALL A 6' STOCKADE FENCE IN FRONT YARD. [§103-15A (4) (b) SOLID FENCES NOT PERMITTED TO BE LOCATED IN ANY FRONT YARD.]

John Lesny 70 Pine Street North Tonawanda, NY 14120 Re: Area Variance to install a 6' stockade fence in front yard of property located at 70 Pine 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 Braun SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request. The applicant has 90 days to talk with the City Engineer and City Assessor regarding changing the address of said property from Pine Street to Walck Road, after which applicant will have to resubmit a new application for his fence.

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

(5) (0)

#3

AREA VARIANCE TO INSTALL A 6' FENCE ON LEFT AND REAR YARD. [§103-15 C (1) (b) FENCES NOT PERMITTED WITHIN 15' OF SIDE YARD-CORNER LOT MODIFICATION.]

Kelsey McArdle 750 Nash Road North Tonawanda, NY 14120 Re: Area Variance to install a 6' fence on left and rear yard on property located at 750 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 HaackerSECONDED by Commissioner DreierThat 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 for applicant to fill in brief description of proposed action.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 Kelsey McArdle 750 Nash Road, for an area variance to install a 6' fence on left and rear of property, fence must be 2' off sidewalk on Duane Drive and have a 15' cut back to backyard fence. 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)

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

(0)

#4

3

AREA VARIANCE TO ERECT A 34' X 38' BUILDING. [§103-10 (D) (2) (a) THE FRONT SETBACK MUST BE THE AVERAGE OF EXISTING BUILDINGS WITHIN 200 FEET IN BOTH DIRECTIONS. PROPOSED SETBACK IS 40'.] [§103-14 (A) (2) (f) ONE OFF-STREET PARKING SPACE IS REQUIED FOR EVERY 150 SQUARE FEET OF BUILDING.]

Kyle Kabel 6919 Deborah Lane Wheatfield, NY 14304 Re: Area Variance to erect a 34' x 38' single story office and garage building on lot located at 358 Ward Road.

Stephen Toth 382 Homestead Drive North Tonawanda, NY 14120

Austin Tylec 815 Niagara Parkway - Spoke on behalf of Applicant.

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

Chairman Braun had received an e-mail opposing construction due to the conditions of sidewalk at corner.

MOVED by Commissioner Braun SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request till Niagara County Planning Board reviews application and Planning Board makes their decisions. Applicant was asked to submit new plans to show building moved back on property.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun(5)Nays: None(0)CARRIED.(1)

ADJOURNMENT

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

Time Adjourned: 7:08 P.M.

Next Regular Meeting: December 11, 6:00 P.M.

Respectfully submitted,

Daniel R. Quinn City Clerk-Treasurer

11-20-17