BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, February 13, 2017 6:00 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

Absent:

Commissioner Lemke

Also Present:

City Attorney Luke Brown

Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF JANUARY 16, 2017

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the minutes of the regular session held January 16, 2017 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Evans, Haacker, Braun

(4)

Nays: None CARRIED.

(0)

PROOF OF PUBLICATION PUBLISHED NOVEMBER 5, 2016

MOVED by Commissioner Evans SECONDED by Commissioner Dreier 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 November 5, 2016 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Braun

(4)

Nays: None CARRIED.

(0)

NEW BUSINESS

#1

AREA VARIANCE TO ERECT A 26' X 56' METAL BUILDING. [§103-12 (D) (2) (a) MINIMUM SIDE YARD IS TEN FEET. REQUEST FOR FIVE (5) FEET.]

Donald Foss 98 Sommer Street North Tonawanda, NY 14120 Re: Area variance to erect a 26' x 56' metal storage building on side lot of property located at 100 Sommer Street.

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 #5a to No & #5b to No.

Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)

Nays: None

CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals approves the area variance to Donald Foss, 98 Sommer Street, to construct a 26' x 56' metal storage building on property located at 100 Sommer Street with a 5' right side set back. Building wall height must not exceed 13', must have a 50' buffer zone in rear of building with a 20' front landscape. Before construction, existing carport and pool must be removed from area. 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, Braun (4)

Nays: None

CARRIED.

#2

AREA VARIANCE TO CREATE 3 NEW APARTMENTS IN EXISTING BUILDING ON NONCONFORMING LOT AND SMALLER THAN PERMITTED. [§103-8(c)(1)(b) 3000 SQUARE FEET OF LAND IS REQUIRED PER DWELLING.] [§103-8 (F)(2) EACH UNIT MUST BE A MINUMUM OF 500 SQ. FT.]

Vitaliy Aponchuk 3790 Captains Way North Tonawanda, NY 14120 Re: Area variance to create 3 new apartments in existing building on nonconforming lot located at 1338 Belling Place

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 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 #5a to No & #5b to No.

Ayes: Commissioner Dreier, Evans, Haacker, Braun (4)

Nays: None

CARRIED.

(0)

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals approves the area variance to Vitaliy Aponchuk 3790 Captains Way, to create 2 new apartments in existing building with a minimum Square Feet per each unit as approved by Building Inspector, and 2 parking spaces on site for tenant parking. 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, Braun (4)

Nays: None (0)

CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:35 P.M.

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

Respectfully submitted,

Daniel R. Quinn

City Clerk-Treasurer