

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, April 10, 2017

6:12 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, Lemke**

Absent: Commissioner Haacker

**Also Present: Assistant City Attorney Nick Robinson
Building Inspector Cosimo Capozzi**

APPROVAL OF THE MINUTES OF MEETING OF MARCH 13, 2017

**MOVED by Commissioner Dreier SECONDED by Commissioner Evans
That the minutes of the regular session held March 13, 2017 be approved as circulated
and filed in the office of the City Clerk-Treasurer.**

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MARCH 4, 2017

**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 March 4, 2017 be
received and filed.**

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1a

**AREA VARIANCE TO CONSTRUCT A FOUR STORY, 26 UNIT APARTMENT
BUILDING THAT IS NOT PERMITTED ON A WATERFRONT LOT, WITHOUT
FRONTING ON A STREET OR HIGHWAY, TALLER THAN PERMITTED,
WITH LESS THAN 3,000 SQ. FT. PER DWELLING AND WITH ACCESSORY
BUILDING LESS THAN 5' FROM PL, ON PARCEL A WHICH IS A
NONCONFORMING WATERFRONT LOT SUBDIVIDED FROM 600 RIVER
ROAD.**

#1b

**AREA VARIANCE TO CONSTRUCT A FOUR STORY, 26 UNIT APARTMENT
BUILDING THAT IS NOT PERMITTED ON A WATERFRONT LOT, WITHOUT
FRONTING ON A STREET OR HIGHWAY, TALLER THAN PERMITTED,
WITH LESS THAN 3,000 SQ. FT. PER DWELLING AND WITH ACCESSORY
BUILDING LESS THAN 5' FROM PL, ON PARCEL B WHICH IS A
NONCONFORMING WATERFRONT LOT SUBDIVIDED FROM 600 RIVER
ROAD.**

#1c

AREA VARIANCE TO CONSTRUCT A SINGLE STORY, 8 UNIT APARTMENT BUILDING ON A LOT THAT DOES NOT FRONT ON A STREET OR HIGHWAY, AND WITH LESS THAN THE REQUIRED 1.5 ACRES AND LESS THAN 3,000 SQ. FT. PER DWELLING ON PARCEL C WHICH IS SUBDIVIDED FROM 600 RIVER ROAD.

#1d

AREA VARIANCE TO CONSTRUCT A SINGLE STORY, 8 UNIT APARTMENT BUILDING ON A LOT THAT DOES NOT FRONT ON A STREET OR HIGHWAY, AND WITH LESS THAN THE REQUIRED 1.5 ACRES AND LESS THAN 3,000 SQ. FT. PER DWELLING ON PARCEL D WHICH IS SUBDIVIDED FROM 600 RIVER ROAD.

#1e

AREA VARIANCE TO CONSTRUCT A SINGLE STORY, 10 UNIT APARTMENT BUILDING ON A LOT THAT DOES NOT FRONT ON A STREET OR HIGHWAY, AND WITH LESS THAN THE REQUIRED 1.5 ACRES AND LESS THAN 3,000 SQ. FT. PER DWELLING ON PARCEL E WHICH IS SUBDIVIDED FROM 600 RIVER ROAD.

#1f

AREA VARIANCE TO CONSTRUCT A TWO STORY, MIXED USE BUILDING ON A LOT WITH LESS THAN THE REQUIRED 1.5 ACRES AND LESS THAN 3,000 SQ.FT. PER DWELLING ON PARCEL F WHICH IS SUBDIVIDED FROM 600 RIVER ROAD. [§103-12 G (2) & (4) MINIMUM LOT OF 1.5 ACRES AND NO LESS THAN 3,000 SQ. FT. PER DWELLING.]

#1g

AREA VARIANCE TO CONSTRUCT A TWO STORY, MIXED USE BUILDING ON A LOT WITH LESS THAN THE REQUIRED 1.5 ACRES AND LESS THAN 3,000 SQ.FT. PER DWELLING ON PARCEL G WHICH IS SUBDIVIDED FROM 600 RIVER ROAD. [§103-12 G (2) & (4) MINIMUM LOT OF 1.5 ACRES AND NO LESS THAN 3,000 SQ. FT. PER DWELLING.]

#1h

AREA VARIANCE TO CONSTRUCT A PRIVATE STREET AND PARKING AREA ON A LOT WITH LESS THAN THE REQUIRED 1.5 ACRES ON PARCEL H WHICH IS SUBDIVIDED FROM 600 RIVER ROAD. [§103-12 G (2) MINIMUM LOT OF 1.5 ACRES REQUIRED IN A WD ZONING DISTRICT] AND [§103-12G (7) MINIMUM LANDSCAPE OF 15% REQUIRED.]

Rock One Development, LLC
10151 Main Street
Clarence, NY 14031

Re: Area Variance to construct a four story,
26 unit apartment building that is not
permitted on waterfront lot located
600 River Road – Parcel A through H

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 Dreier
That the Zoning Board of Appeals made no decision on the SEQR and tables the
aforementioned variances to send out to the Niagara County Planning to get their
non-binding recommendation.

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

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO CONVERT AN EXISTING SIX UNIT APARTMENT BUILDING INTO SEVEN UNITS. [§103-9C (1) MINIMUM OF 3,000 SQ. FT. OF LOT PER DWELLING REQUIRED.] [§103-9C (3) MINIMUM OF TWO PARKING SPACES PER DWELLING REQUIRED.] [§103-9F (2) MINIMUM OF 500 SQ. FT. PER UNIT REQUIRED.]

Kelley P. Getz
Savarino Companies LLC
500 Seneca St. Suite 508
Buffalo, NY 14204

Re: Area Variance to convert an existing six unit apartment building into seven units located at 434 Payne 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 special use permit.

MOVED by Commissioner Braun SECONDED by Commissioner Dreier
That the Zoning Board of Appeals made to decision on the SEQR and tables the aforementioned request for a recent survey showing the square footage for rooms and living area, and also site plan for parking area.

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

Nays: None (0)

CARRIED.

#3

AREA VARIANCE TO REMODEL FIRST FLOOR AREA, CENTER TO APARTMENT #3, FOR A TOTAL OF FOUR (4) DEWELLING UNITS. ALSO FUTURE REMODEL OF FIRST FLOOR AREA, LEFT SIDE TO APARTMENT #1, FOR A TOTAL OF (5) UNITS. [§103-9 (C) (1) 3000 SQUARE FEET OF LAND REQUIRED FOR EACH DWELLING UNIT.]

Clifford J. Schimpf
506 Oliver Street #1
North Tonawanda, NY 14120

Re: Area Variance to build a new 1 bedroom apartment within existing building at 500 Oliver 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 special use permit

MOVED by Commissioner Dreier SECONDED by Commissioner Braun
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 #4, #5a to No & #5b to No, #9 to No, & #14.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Lemke SECONDED by Commissioner Dreier
That the Zoning Board of Appeals approves the area variance to Clifford J. Schimpf, 506 Oliver Street #1, for 3000 sq. ft. of green space per unit and variance for the parking area, also an additional (1) one bedroom apartment for property located at 500 Oliver 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, Lemke, Braun (4)

Nays: None (0)

CARRIED.

ADJOURNMENT

**MOVED by Commissioner Dreier 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: May 7, 6:00 P.M.**

Respectfully submitted,



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