

BOARD OF APPEALS

Special Session

North Tonawanda, New York 14120

Monday, May 1, 2017

6:00 P.M.

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

ROLL CALL

Present: Chairman Braun
Commissioner Dreier, Haacker, Evans, Lemke

Absent: None

Also Present: City Attorney Luke Brown
Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF MEETING OF APRIL 10, 2017

MOVED by Commissioner Evans **SECONDED** by Commissioner Lemke
That the minutes of the regular session held April 10, 2017 be approved as circulated and filed in the office of the City Clerk-Treasurer.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED APRIL 1, 2017

MOVED by Commissioner Evans **SECONDED** by Commissioner Haacker
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 April 1, 2017 be received and filed.

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1a

AREA VARIANCE TO CONSTRUCT A FOUR STORY, 36 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 , ON PARCEL A WHICH IS A NONCONFORMING WATERFRONT LOT SUBDIVIDED FROM 600 RIVER ROAD.

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

- **Re:** Area Variance to construct a four story, 36 unit apartment building that is not permitted on waterfront lot located at 600 River Road – PARCEL A

MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals approves the area variance to Rock One Development for 600 River Road for PARCEL C, to construct a single story, 8 unit apartment building, on less than 1.5 acres and less than 3,000 sq. ft. per dwelling, contingent upon the approval of the sub-division from the Planning Board. 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, Haacker, Evans, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#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.

**Rock One Development, LLC - Re: Area Variance to construct a single
10151 Main Street story, 8 unit apartment building
Clarence, NY 14031 on lot that does not front a Street
or Highway located at 600 River
Road - PARCEL D**

MOVED by Commissioner Lemke **SECONDED** by Commissioner Braun
That the Zoning Board of Appeals approves the area variance to Rock One Development for 600 River Road for PARCEL D, to construct a single story, 8 unit apartment building, on less than 1.5 acres and less than 3,000 sq. ft. per dwelling, contingent upon the approval of the sub-division from the Planning Board. 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, Haacker, Evans, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#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.

**Rock One Development, LLC - Re: Area Variance to construct a single
10151 Main Street story, 10 unit apartment building
Clarence, NY 14031 on a lot that does not front on a
Street or Highway located at 600
River Road – PARCEL E**

MOVED by Commissioner Evans **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals approves the area variance to Rock One Development for 600 River Road for PARCEL E, to construct a single story, 10 unit apartment building, on less than 1.5 acres and less than 3,000 sq. ft. per dwelling, contingent upon the approval of the sub-division from the Planning Board. 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, Haacker, Evans, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#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.]

Rock One Development, LLC - Re: 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 located at 600 River Road
10151 Main Street
Clarence, NY 14031
PARCEL F

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals approves the area variance to Rock One Development for 600 River Road for PARCEL F, to construct a two story, mixed use building, on less than 1.5 acres and less than 3,000 sq. ft. per dwelling, contingent upon the approval of the sub-division from the Planning Board. 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, Haacker, Evans, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#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.]

Rock One Development, LLC - Re: 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 located at 600 River Road
10151 Main Street
Clarence, NY 14031
PARCEL G

MOVED by Commissioner Haacker SECONDED by Commissioner Braun
That the Zoning Board of Appeals approves the area variance to Rock One Development for 600 River Road for PARCEL G, to construct a two story, mixed use building, on less than 1.5 acres and less than 3,000 sq. ft. per dwelling, contingent upon the approval of the sub-division from the Planning Board. 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, Haacker, Evans, Lemke, Braun (5)

Nays: None (0)

CARRIED.

#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 private street and parking area on a lot with less than the required 1.5 acres located at 600 River Road -PARCEL H

MOVED by Commissioner Haacker SECONDED by Commissioner Braun
That the Zoning Board of Appeals approves the area variance to Rock One Development to construct a private street and parking area for PARCEL H, contingent upon the approval of the sub-division from the Planning Board, and there must be a minimum of 15% landscaping. 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, Haacker, Evans, Lemke, Braun (5)
Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:27 P.M.
Next Regular Meeting: May 8, 6:00 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer