

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, May 8, 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 SPECIAL SESSION MINUTES OF MEETING OF MAY 1, 2017

MOVED by Commissioner Evans SECONDED by Commissioner Lemke
That the minutes of the special session held May 1, 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 APRIL 22, 2017

MOVED by Commissioner Dreier 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 22, 2017 be
received and filed.

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

OLD BUSINESS

#1
SPECIAL USE PERMIT TO CONDUCT OUTDOOR STORAGE OF MOTOR
VEHICLES PER SECTION §103-18D (4) OF CITY ZONING

Certified Towing
Jeff Braham
146 Ironton Street
North Tonawanda, NY 14120

Re: Special Use Permit to use lot located at
146 Ironton for an Impound Lot/ Storage
of motor vehicles

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

Sonia Dusza 123 Miller Street – Spoke against 146 Ironton becoming an Impound
towing and storage yard.

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, except with a change to #5 to No, #9 to No, #10 to No, #11 to No and #14 to Suburban.
 Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)
 Nays: None (0)
CARRIED.

MOVED by Commissioner Lemke **SECONDED** by Commissioner Dreier
 That the Zoning Board of Appeals grants a use variance to Jeff Braham of Certified Towing to use the lot located at 146 Ironton Avenue as an impound lot/ storage of motor vehicles. Applicant has 30 days to remove the old cars and clean up lot. The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone. The applicant's difficulty stems from unique circumstances and not to the general neighborhood conditions. The requested use will not alter the essential character of the neighborhood, and the applicant's hardship has not been self-created.
 Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun (5)
 Nays: None (0)
CARRIED.

#2

AREA VARIANCE TO CONVERT EXISTING MIX USE BUILDING TO 3 FAMILY DWELLING. [§103-9 (C) (1) 3000 SQUARE FEET OF LAND REQUIRED PER UNIT.] [§103-9 (C)(3) 2 PARKING SPACES MUST BE PROVIDED FOR EACH UNIT.]

John Saraceno
 816 Sun Valley
 North Tonawanda, NY 14120

Re: Area Variance to convert existing
 property located at 457 Oliver to a
 3 family dwelling

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

Sonia Dusza 123 Miller Street – Spoke against tearing down the back building because of potential remediation.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
 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, except with a change to #3 to less than 1 acre, #5 to No, #9 to Yes 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 approves the area variance to John Saraceno for an area variance to convert existing property located at 457 Oliver to a 3 family dwelling, the Zoning Board is deleting [§103-9 (C)(3) 2 parking spaces must be provided for each unit.] applicant only needs 1 parking space per unit. 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.

NEW BUSINESS

#1

AREA VARIANCE TO INSTALL A 41" WIDE X 15" HIGH LED SIGN ON EXISTING POLE. [§103-13.2 (F) (4) (c) NO SIGN SHALL BE EQUIPPED OR DISPLAYED WITH ANY MOVING PARTS, NOR SHALL ANY SIGN CONTAIN ANY MOVING, FLASHING OR INTERMITTENT ILLUMINATION.]

**Niagara River Yacht Club
346 River Road
North Tonawanda, NY 14120**

**Re: Area Variance to install a 41" x 15"
LED sign on existing pole at 346
River Road**

**David Leible
4096 Beach Ridge Road
North Tonawanda, NY 14120**

At this time the Assistant City Attorney Nicholas Robinson removed this applicant from the Agenda. Applicant did not need a variance for a 41" wide by 15" high sign per City Code, the City Clerk-Treasurer will reimburse applicant for zoning fee of \$50 that was paid.

ADJOURNMENT

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

**Time Adjourned: 6:40 P.M.
Next Regular Meeting: June 12, 6:00 P.M.**

Respectfully submitted,



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