BOARD OF APPEALS Regular Session North Tonawanda, New York 14120 Monday, June 12, 2017 6:03 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:	Assistant City Attorney Nick Robinson Building Inspector Cosimo Capozzi

## APPROVAL OF THE REGULAR SESSION MINUTES OF MEETING OF MAY 8, 2017

MOVED by CommissionerEvansSECONDED by CommissionerHaackerThat the minutes of the regular session held May 8, 2017 be approved as circulatedand filed in the office of the City Clerk-Treasurer.Ayes:Commissioner Dreier, Evans, Haacker, Braun(4)Nays:None(0)CARRIED.

## PROOF OF PUBLICATION PUBLISHED APRIL 29, 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 April 29, 2017 be received and filed.

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

#### **OLD BUSINESS**

#1

"SPECIAL USE PERMIT" REQUESTED TO CONDUCT OUTDOOR STORAGE OF MOTOR VEHICLES IN ACCORDANCE WITH SECTION [§ 103-18B (4) OF THE CITY ZONING CODE.]

James Bevilacqua 668 Fairmont Avenue North Tonawanda, NY 14120 Re: Special Use Permit to store motor vehicles on empty lot located at 33 Plastics Drive

(4)

(0)

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 hereby finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR, except with a change to #13a to No, and #14 to Suburban.

Ayes: Commissioner Dreier, Evans, Haacker, Braun Nays: None CARRIED. (4) (0)

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby grants a use variance to James Bevilacqua, 668 Fairmont Avenue, to use the lot located at 33 Plastics Drive as an outdoor storage lot for motor vehicles. Applicant must put down a barrier before stone is poured. 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 selfcreated.

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

(4) (0)

NEW BUSINESS

#1

2

AREA VARIANCE TO CONSTRUCT A 9'6" ADDITION TO FRONT OF DWELLING. [§103-15 C (9) (b) DOES NOT PERMIT THE VARIATION OF FRONT YARD SET BACKS BY MORE THAN 3'.]

Brian & Carol Beaton 369 Elmwood Avenue North Tonawanda, NY 14120 Re: Area Variance to construct a 9'6" addition to the front of dwelling located at 369 Elmwood 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 area variance.

MOVED by Commissioner HaackerSECONDED by Commissioner DreierThat the Zoning Board of Appeals hereby finds that there will be no significantenvironmental impact and as such declares a Negative Declaration on the SEQR,except with a change to #1 to No, #2 to No, #3a to less than an acre and #5a to No.Ayes: Commissioner Dreier, Evans, Haacker, Braun(4)Nays: None(0)CARRIED.

MOVED by Commissioner Evans SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance to Brian & Carol Beaton, 369 Elmwood Avenue for an area variance to construct a 9' 6'' addition to the front of said dwelling. 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)

Navs: None CARRIED.

(0)

3

## #2

AREA VARIANCE TO ERECT A NEW GARAGE, 24' X 40'. [§103-6 (A) (9) (e) PRIVATE GARAGES ARE LIMITED TO 750 SQUARE FEET.] PROPOSED GARAGE WILL BE 960 SQUARE FEET.

Pavel Osiyuk 434 Old Falls Blvd. North Tonawanda, NY 14120 Re: Area Variance to erect a 24' x 40' new garage at 434 Old Falls Blvd.

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 EvansThat the Zoning Board of Appeals hereby finds that there will be no significantenvironmental impact and as such declares a Negative Declaration on the SEQR,except with a change to #2 to No, #5a to No, #5b to No an acre and #14a to Suburban.Ayes: Commissioner Dreier, Evans, Haacker, Braun(4)Nays: None(0)CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance to Pavel Osiyuk, 434 Old Falls Blvd. for an area variance to erect a 24' x 40' single story garage. 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 Nays: None CARRIED. (4) (0)

## #3

AREA VARIANCE TO CONSTRUCT A NEW 24' X 24' SINGLE STORY DETACHED GARAGE AT REAR YARD IN ADDITION TO EXISTING 320 SQUARE FOOT GARAGE. [§103-6 A (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQUARE FEET.]

Robert Suhina 1751 Linden Avenue North Tonawanda, NY 14120 Re: Area Variance to construct a new 24'x 24' garage in addition to existing garage in rear yard located at 1751 Linden 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 area variance.

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That 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 with a change to #17b to No. Aves: Commissioner Dreier, Evans, Haacker, Braun (4)

Ayes: Commissioner Dreier, Evans, Haacker, Braun	(4)
Nays: None	(0)
CARRIED.	

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance to Robert Suhina, 1751 Linden Avenue, to construct a 24' x 24' new single story garage on said property after the 2 older sheds are removed. 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 selfcreated.

Ayes: Commissioner Dreier, Evans, Haacker, Braun Nays: None CARRIED. (4) (0)

#4

4

AREA VARIANCE TO CONSTRUCT A 768 SQUARE FOOT TWO STORY DETACHED GARAGE. [§103-6 A (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQUARE FEET IN ANY RESIDENTIOAL ZONE.]

Sean Mulligan 1199 Nash Road North Tonawanda, NY 14120 Re: Area Variance to construct a 768 Sq. Ft. two story detached garage at 1199 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 EvansThat the Zoning Board of Appeals hereby makes no decision on the SEQR and tablesthe aforementioned request for additional information and a corium.Ayes: Commissioner Dreier, Evans, Haacker, Braun(4)Nays: None(0)CARRIED.

#5

AREA VARIANCE TO ERECT A 4' PICKET FENCE IN FRONT AND RIGHT SIDE OF PROPERTY. [§103-15B (4) (b) FENCE HEIGHT CANNOT EXCEED THREE (3) FEET IN HEIGHT WHEN LOCATED WITHIN FIFTEEN (15) FEET OF THE FRONT PROPERTY LINE.]

Aaron Cicali 55 Riverview Avenue North Tonawanda, NY 14120 Re: Area Variance to erect a 4' picket fence in front and right side of property located at 55 Riverview 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 area variance.

MOVED by Commissioner HaackerSECONDED by Commissioner DreierThat the Zoning Board of Appeals hereby makes no decision on the SEQR and tablesthe aforementioned request to send out to the Niagara County Planning Board fortheir non-binding recommendation.Ayes: Commissioner Dreier, Evans, Haacker, Braun(4)Nays: NoneCARRIED.

# **ADJOURNMENT**

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

Time Adjourned: 7:29 P.M. Next Regular Meeting: July 17, 6:00 P.M.

Respectfully submitted,

Daniel R. Quinn City Clerk-Treasurer