BOARD OF APPEALS

Regular Session North Tonawanda, New York 14120 Monday, July 17, 2017 6:10 P.M.

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

ROLL CALL

Present: C

Chairman Braun

Commissioner Dreier, Evans, Haacker, Lemke

Absent:

None

Also Present:

Assistant City Attorney Nick Robinson

Building Inspector Cosimo Capozzi

APPROVAL OF THE REGULAR SESSION MINUTES OF MEETING OF JUNE 12, 2017

MOVED by Commissioner Evans SECONDED by Commissioner Lemke That the minutes of the regular session held June 12, 2017 be approved as circulated and filed in the office of the City Clerk-Treasurer.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

(5) (0)

Nays: None CARRIED.

PROOF OF PUBLICATION PUBLISHED JUNE 3, 2017

MOVED by Commissioner Haacker 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 June 3, 2017 be received and filed.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

(5) (0)

Nays: None CARRIED.

NEW BUSINESS

#1

AREA VARIANCE TO INSTALL A 90' X 6' FENCE AT LEFT SIDE/REAR OF PROPERTY LINE [§103-15 C (1) (b) FENCES NOT PERMITTED IN RESTRICTED AREA – CORNER LOT MODIFICATION.]

Michael Scheifla 1210 Ruie Road Re: Area Variance to install a 90' x 6' fence on corner of lot located at

North Tonawanda, NY 14120

1210 Ruie 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 Haacker SECONDED by Commissioner Evans 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 #5a to No, #5b to No, #6a to No and #17 to No.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

Navs: None (0)

CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance to Michael Scheifla, 1210 Ruie Road, for a fence. The Board approved the plans that applicant submitted on the night of the meeting, 15' from pivot point of the property line, 6' along driveway, 7' along sidewalk to equal 15' cutback. 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-

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

Nays: None (0)

CARRIED.

AREA VARIANCE TO REQUEST 2 PARKING SPACES IN REQUIRED FRONT YARD. [§103-14B (1) (e) IN ANY R DISTRICT, NO PARKING SPACE SHALL BE PROVIDED IN A REQUIRED FRONT YARD.

Eric Winstanley 861 Orchard Pl. Lewiston, NY 14192 Re: Area Variance to request 2 parking spaces in front yard of property located at 364 Tremont 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 area variance.

SECONDED by Commissioner Haacker MOVED by Commissioner Braun That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request so applicant can talk with the City Engineer.

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

(0) Nays: None

CARRIED.

AREA VARIANCE TO ERECT A 2' X 24' GARAGE ADDITION, APPROX. ONE FOOT FROM PROPERTY LINE, WHICH WILL BE CLOSE TO ORIGINAL LOCATION OF PREVIOUS GARAGE. [§103-15 (C) (4) (c) (4c) SINGLE STORY ACCESSORY BUILDING MUST BE A MINIMUM OF THREE (3) FEET FROM PROPERTY LINE.

David Bartel 66 Rumbold Avenue North Tonawanda, NY 14120 Re: Area Variance to erect a 2' x 24' garage addition approx. 1' from property line at 66 Rumbold 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 Lemke 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 #3a to less than 3 acres, #5a to No, #5b to No, #17 to No and #17b to No.

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

Nays: None CARRIED. (0)

MOVED by Commissioner Haacker SECONDED by Commissioner Dreier That the Zoning Board of Appeals hereby made it show on record that the area variance is for a 2' x 24' addition to the garage located at 66 Rumbold Avenue, and approves the addition of 2' to side of garage 1' from property line. 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, Lemke Braun (5)

Nays: None

CARRIED.

#4

AREA VARIANCE TO ERECT A 6 FT. PRIVACY FENCE IN SIDE YARD ALONG VANDERBILT AVENUE. [§103-15 (C)(1)(b) NO FENCE CAN BE WITHIN 15 FEET OF THE SIDE PROPERTY LINE ON A CORNER LOT.

Tom Waliszewski
Re: Area Variance to erect a 6ft. privacy
fence in side yard along Vanderbilt
located at 1440 Westwood Drive

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 Evans 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 #1 to No, #2 to No, #3a to less than 3 acres, #5a to No, #5b to No, and #14 to Suburban.

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

Nays: None

CARRIED.

MOVED by Commissioner Dreier SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby approves the area variance to Tom Waliszewski, 1440 Westwood Drive, to extend a fence from angle of property line on Vanderbilt to 2' from sidewalk up to front of garage maintaining the 45° angle in back. 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, Lemke Braun (5)

Nays: None

CARRIED.

#5

AREA VARIANCE TO ERECT A 16' x 30' 2 STORY REAR ADDITION AND REMODEL EXISTING DWELLING PER SUBMITTED PLANS. PLUMBING & ELECTRICAL BY SEPARATE PERMITS. VARIANCE REQUIRED FOR GARAGE TO REMAIN OR TO BE DEMOLISHED BEFORE FINAL INSPECTION.

Eric Voglmayr 977 Sweeney Street North Tonawanda, NY 14120 Re: Area Variance to erect 16' x 30' two story rear addition and remodel existing dwelling located at 977 Sweeney 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 area variance.

MOVED by Commissioner Braun SECONDED by Commissioner Haacker That the Zoning Board of Appeals hereby makes no decision on the SEQR and dismisses the aforementioned request to be resolved with the Building Inspector if not resolved will have to come back to the Board.

Ayes: Commissioner Dreier, Evans, Haacker, Lemke, Braun

(3)

(0)

Nays: None CARRIED.

(0)

#6

AREA VARIANCE TO INSTALL 24 FT. WIDE DRIVEWAY, INCREASING WIDTH OF CURRENT DRIVEWAY. [§103-14(B)(1)(f)(1) NO DRIVEWAY CAN EXCEED TWENTY (20) FEET IN WIDTH.

Thomas Clare 553 Euclid Avenue North Tonawanda, NY 14120 Re: Area Variance to install 24 ft. wide driveway, increasing width of driveway located at 553 Euclid Ave

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 Dreier SECONDED by Commissioner Lemke That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request for applicant to talk with the City Engineer.

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

Nays: None

CARRIED.

ADJOURNMENT

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

Time Adjourned: 7:14 P.M.

Next Regular Meeting: August 14, 6:00 P.M.

Respectfully submitted,

Daniel R. Quinn

City Clerk-Treasurer