

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, September 18, 2017

6:00 P.M.

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

ROLL CALL

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

Absent: Commissioner Dreier

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

APPROVAL OF THE MINUTES OF MEETING OF AUGUST 14, 2017

**MOVED by Commissioner Haacker SECONDED by Commissioner Evans
That the minutes of the regular session held August 14, 2017 be approved as
circulated and filed in the office of the City Clerk-Treasurer.**

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED AUGUST 5, 2017

**MOVED by Commissioner Haacker SECONDED by Commissioner Lemke
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 August 5, 2017 be
received and filed.**

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

**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 Cilali
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 Braun SECONDED by Commissioner Lemke
That the Zoning Board of Appeals hereby makes no decision on the SEQR and dismisses the aforementioned request, applicant must reapply application for variance.

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

#2

AREA VARIANCE TO INSTALL 70 SQUARE FEET OF SIGNAGE FOR TAILOR SHOP. [§103-15 A (5) (a) MAXIMUM SIGNAGE PERMITTED IN ANY R DISTRICT IS 2 SQUARE FEET OF WALL MOUNTED SIGNAGE.]

Jennifer A. Baker
61 Keil Street
North Tonawanda, NY 14120

Re: Area Variance to install 70 square feet of signage for tailor shop. 4 x 8 on Oliver St., 4 x 8 @ 61 Keil St. and 2 x 2 on lawn @ 61 Keil 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 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 #4a to Residential.

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

MOVED by Commissioner Haacker SECONDED by Commissioner Lemke
That the Zoning Board of Appeals taking into account that a Tailor Shop is acceptable in a R2 Zone, hereby approves (4) signs – a 2 x 2 A frame removable sign on front yard of 61 Keil Street, a 4 x 8 alongside of driveway of 61 Keil Street, a 2 x 3 sign above entrance of residence of 61 Keil Street and a 2 x 2 sign on Oliver Street fence. 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 Evans, Haacker, Lemke, Braun (4)
Nays: None (0)
CARRIED.

#3

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 RESIDENTIAL 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 Haacker **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals makes no decision on the SEQR and after review of plans the aforementioned request is for an 1,890 sq. ft. garage not a 768 sq. ft. garage. The Zoning Board tables the request till next meeting for further review.
 Ayes: Commissioner Evans, Haacker, Lemke (3)
 Nays: None (0)
 Abstained: Commissioner Braun (1)
CARRIED.

NEW BUSINESS

#1

AREA VARIANCE TO CONSTRUCT A NEW 30' X 32' SINGLE STORY DETACHED GARAGE. [§103-6 A (9) (e) ACCESSORY STRUCTURES NOT PERMITTED TO EXCEED 750 SQ. FT.]

Herbert T. Davis
 1073 Ruie Road
 North Tonawanda, NY 14120

Re: Area Variance to construct a 30' x 32' pole barn

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 #1 to No, #4a to Residential, #5a to No, #5b to No and #14 to Suburban.
 Ayes: Commissioner Evans, Haacker, Lemke, Braun (4)
 Nays: None (0)
CARRIED.

MOVED by Commissioner Lemke **SECONDED** by Commissioner Haacker
 That the Zoning Board of Appeals hereby approves the area variance to Herbert T. Davis, 1073 Ruie Road to construct a 30 x 32 pole barn. Barn must be 5 ft. off of property line and sided similar to house. 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 Evans, Haacker, Lemke, Braun (4)
 Nays: None (0)
CARRIED.

ADJOURNMENT

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

Time Adjourned: 6:50 P.M.

Next Regular Meeting: October 16, 6:00 P.M.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Daniel R. Quinn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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