

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, March 12, 2018

6:07P.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, Lewis**

Absent: None

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 12, 2018

**MOVED by Commissioner Haacker SECONDED by Commissioner Lewis
That the minutes of the regular session held February 12, 2018 be approved as
circulated and filed in the office of the City Clerk-Treasurer.**

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED FEBRUARY 3, 2018

**MOVED by Commissioner Evans 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 February 3, 2018 be
received and filed.**

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

**AREA VARIANCE TO ERECT A 34' X 45' ONE STORY OFFICE/STORAGE
BUILDING. [§103-10 (D) (2) (c) REAR YARD DEPTH MUST BE 25% OF LOT
DEPTH OR A DEPTH EQUAL TO THE HEIGHT OF THE PRINCIPAL
BUILDING.] [§103-14 (A) (2) (f) ONE OFF-STREET PARKING SPACE IS
REQUIRED FOR EVERY 150 SQUARE FEET OF BUILDING SPACE.]**

**Steven Toth
382 Homestead Drive
North Tonawanda, NY 14120**

**Re: Area Variance to erect a 34' x 45'
office space on corner vacant lot
located at 358 Ward Road.**

**Clark Patterson Lee
26 Mississippi Street, Suite 300
Buffalo, NY 14203**

AMENDED

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 finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes and #17a to Yes, and 17b to Yes.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals approves the Area Variance for 358 Ward Road for Stephen Toth to construct a 34' x 45' office building, with 25% less of rear lot with four (4) parking spots, per the Niagara County Planning Board, Vans must be parked inside of building, and per the Zoning board of Appeals the parking variance will be repealed if the use of the building changes and less than the required parking spaces. 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, Lewis, Braun (5)

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO ERECT A 90' X 43'-5" ADDITION TO THE NORTH SIDE OF THE BUILDING. [§103-11 (D) (2) (c) REAR YARD DEPTH REQUIRED TO BE TEN (10) FEET MINIMUM.] [§103-14 (A) (2) (f) ONE OFF-STREET PARKING SPACE REQUIRED FOR EVERY 150 SQUARE FEET OF BUILDING.] [§103-15 (C) (1) (c) AREA AND YARDS, CORNER LOT MODIFICATION-BUILDING REQUIRED TO BE 60% OF REQUIRED FRONT SETBACK OF ADJACENT R DISTRICT PARCEL.]

Kathleen Carr
1348 Doebler Drive
North Tonawanda, NY 14120

Re: Area Variance to erect a 90' x 43'-5" addition to side of building "Matts Music" located at 937 Oliver Street

Ashwood Architectural, PC
908 Niagara Falls Blvd.
North Tonawanda, NY 14120

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 finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR with a change to #2 to Yes.

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

Nays: None (0)

CARRIED.

AMENDED

MOVED by Commissioner Dreier **SECONDED** by Commissioner Braun
 That the Zoning Board of Appeals approves the Area Variance to Kathleen Carr for 937 Oliver Street ("Matt's Music"). To erect a 90' x 43'-5" addition on north side of building, with a less than 60% front yard setback, and rear yard less than 10' to be 7' and less than the required parking spaces. 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, Lewis, Braun (5)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1

USE VARIANCE TO CONTINUE A NONCONFORMING USE AS A MULTIPLE DWELLING, THREE DWELLING UNITS IN AN R1-2 ZONING DISTRICT. [§103-16G WHEN A NONCONFORMING USE DISCONTINUED FOR MORE THAN ONE YEAR SUCH NONCONFORMING USE SHALL NOT THEREAFTER BE REESTABLISHED AND ALL FUTURE USE SHALL BE CONFORMING].

Edward A. Zebulsk III
 Attorney At Law
 150 Payne Avenue, PO Box 159
 North Tonawanda, NY 14120

Re: Use variance to continue a non-conforming use as a multiple dwelling, three units in an R1-2 Zoning District

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 Dreier
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request for further review.

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

Nays: None (0)

CARRIED.

#2

AREA VARIANCE TO CONSTRUCT A 1,609 SQ. FT. GARAGE. [§103-6 A (9) (e) ACCESSORY STRUCTURE NOT PERMITTED TO EXCEED 750 SQ. FT. IN ANY RESIDENTIAL DISTRICT.]

Rosal Construction Co. Inc.
 3060 Niagara Falls Blvd.
 North Tonawanda, NY 14120

Re: Area Variance to construct a 1,609 sq. ft. garage at 1413 Walck 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 Braun
 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 with a change to #2 to Yes, #5a to No, #5b to No, #17 to Yes, #17a to No and #17b to Yes.

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

Nays: None (0)

CARRIED.

AMENDED

MOVED by Commissioner Dreier **SECONDED** by Commissioner Braun
That the Zoning Board of Appeals approves the Area Variance to Rosal Construction Co. Inc., 3060 Niagara Falls Blvd. to construct a 1609 sq. ft. attached garage on single family home to be located at 1413 Walck Road. Garage is to be used for personal use only, no commercial use. 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, Lewis, Braun (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

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

Time Adjourned: 7:01 P.M.

Next Regular Meeting: April 9, 2018 at 6:00 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer

AMENDED