

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, October 15, 2018
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 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 SEPTEMBER 17, 2018

MOVED by Commissioner Lewis **SECONDED by Commissioner Evans**
That the minutes of the regular session held September 17, 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 SEPTEMBER 8, 2018

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 September 8, 2018 be
received and filed.
Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun **(5)**
Nays: None **(0)**
CARRIED.

NEW BUSINESS

#1
AREA VARIANCE TO CONSTRUCT A NEW 7'6" COVERED DECK @ FRONT
YARD. [§103-15 C (9) (3) (a) – AVERAGE SET BACK CANNOT VARY BY
MORE THAN 3 FEET-AVERAGE SETBACK IS 27' PROPOSED SET BACK
WILL BE 19'].

Cathryn R. Bowen	Re: Area Variance to construct a 7'6"
891 Sun Valley Drive	front deck on house located at 891
North Tonawanda, NY 14120	Sun Valley 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 Braun
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for area variance at 891 Sun Valley Drive, and will notify other agencies involved.

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

Nays: None (0)

CARRIED.

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.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals hereby approves the area variance to Cathryn R. Bowen, 891 Sun Valley Dr. to construct a 7' 6" x 10' covered front porch with the stipulation that it stays open air. The request did not change the character of the neighborhood, there was not an alternate solution. The request was not substantial and 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.

OLD BUSINESS

#1

AREA VARIANCE REQUEST FOR OUTSIDE FOOD AND DRINK SERVICE. [§103-10 (A)(3)(c) NO FOOD OR DRINK SHALL BE DISPENSED TO CUSTOMERS OUTSIDE THE BUILDING OR BY CURBSIDE].

Stephen M. Brown
758 Daigler Drive
North Tonawanda, NY 14120

**Re: Area Variance to have food and
drink service outside establishment
located at 775 Oliver 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 Lewis **SECONDED** by Commissioner Evans
That the Zoning Board of Appeals hereby approves the area variance to Stephen M. Brown, 758 Daigler Dr., to have food and drink service outside his establishment located at 775 Oliver Street., per Common Council resolution dated 10/2/2018 authorizing an easement for 775 Oliver Street. The request did not change the character of the neighborhood, there was not an alternate solution. The request was not substantial and 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 Braun SECONDED by Commissioner Dreier
That the meeting of the Zoning Board of Appeals be adjourned.
CARRIED.**

Time Adjourned: 6:15 P.M.

Next Regular Meeting: November 19, 2018 at 6:00 P.M.

Respectfully submitted,



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