

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, April 8, 2019

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 MARCH 11, 2019

MOVED by Commissioner Lewis SECONDED by Commissioner Haacker
That the minutes of the regular session held March 11, 2019 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 MARCH 2, 2019

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 March 2, 2019 be received and filed.

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

1 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE REQUIRED 120 PARKING SPACES. [§103-14 A (2) (f) A MINIMUM OF 1 PARKING SPACE PER 150 SQUARE FEET OF GROSS FLOOR SPACE, 18 SPACES PROVIDED].

2 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE REQUIRED GREEN SPACE. [§103-26 C (1) (a) REQUIRES A MINIMUM OF 25% LANDSCAPING].

3 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE 5% OF THE INTERIOR PARKING AREA DEVOTED TO LANDSCAPED AREA. [§103-26 C (1) (j)].

4 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE REQUIRED SHADING OF PARKING AREAS, WALKWAYS AND PEDESTRIAN ACCESS. [§103-26 C (1) (1) A MINIMUM OF 30% OF ALL

PARKING AREAS, WALKWAYS AND PEDESTRIAN ACCESS MUST BE SHADED WITHIN 15 YEARS OF PLANTING].

**Enterprise Lumber & Silo
Joy Kuebler
62 Webster Street
North Tonawanda, NY 14120**

**Re: Area Variance for parking spaces,
green space and landscaping for the
reconstruction of 211 Main 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 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 #5a
to No, #5b to No and #9 to Yes.**

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

(5)

Nays: None

(0)

CARRIED.

**1 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS
THAN THE REQUIRED 120 PARKING SPACES. [§103-14 A (2) (f) A MINIMUM
OF 1 PARKING SPACE PER 150 SQUARE FEET OF GROSS FLOOR SPACE, 18
SPACES PROVIDED].**

**MOVED by Commissioner Dreier SECONDED by Commissioner Haacker
That the Zoning Board of Appeals approves the Area Variance to Enterprise
Lumber & Silo for 211 Main Street to remodel an existing building with less than
the required 120 parking spaces. They will have to have 37 parking spaces with an
additional 2 handicap spaces for a total of 39 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 REMODEL AN EXISTING BUILDING WITH LESS
THAN THE REQUIRED GREEN SPACE. [§103-26 C (1) (a) REQUIRES A
MINIMUM OF 25% LANDSCAPING].**

**MOVED by Commissioner Dreier SECONDED by Commissioner Lewis
That the Zoning Board of Appeals approves the Area Variance to Enterprise
Lumber & Silo for 211 Main Street to remodel an existing building with less than
the required green space. The Zoning Board of Appeals is allowing 20% if green
space due to the hardship because of 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.

3 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE 5% OF THE INTERIOR PARKING AREA DEVOTED TO LANDSCAPED AREA. [§103-26 C (1) (j)].

MOVED by Commissioner Evans

SECONDED by Commissioner Haacker

That the Zoning Board of Appeals approves the Area Variance to Enterprise Lumber & Silo for 211 Main Street to remodel an existing building with less than the required 5% of the interior parking area devoted to landscaped area. 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.

4 - AREA VARIANCE TO REMODEL AN EXISTING BUILDING WITH LESS THAN THE REQUIRED SHADING OF PARKING AREAS, WALKWAYS AND PEDESTRIAN ACCESS. [§103-26 C (1) (1) A MINIMUM OF 30% OF ALL PARKING AREAS, WALKWAYS AND PEDESTRIAN ACCESS MUST BE SHADED WITHIN 15 YEARS OF PLANTING].

MOVED by Commissioner Dreier

SECONDED by Commissioner Haacker

That the Zoning Board of Appeals approves the Area Variance to Enterprise Lumber & Silo for 211 Main Street to remodel an existing building with less than the required shading of parking areas, walkways and pedestrian access due to the stated hardship for the required parking areas, walkways and pedestrian access, due to the stated hardship for 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

SPECIAL USE PERMIT FOR OUTDOOR STORAGE OF MOTOR VEHICLES, RECREATIONAL VEHICLES, CAMPERS, BOAT AND BOAT TRAILERS & IMPOUND YARD. [§103-12 DOES NOT PERMIT OUTDOOR STORAGE OF VEHICLES WITHOUT FIRST OBTAINING A "SPECIAL USE PERMIT" PER SEC. §103-14B (4) BY THE ZBA].

Johns Towing Services, Inc
1212 Erie Avenue
North Tonawanda, NY 14120

Re: Special Use Permit for outdoor storage of motor vehicles, recreational vehicles, campers, boat and boat trailers and impound lot at property located 1212 Erie Avenue

Bogart-Sinatra Development, LLC
165 Stahl Road
Getzville, NY 14068

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.

MOVED by Commissioner Braun **SECONDED** by Commissioner Haacker
That the Zoning Board of Appeals approves the Special Use Permit to Johns Towing Services, Inc., for outdoor storage of motor vehicles, recreational vehicles, campers, boat and boat trailers and impound lot at property located at 1212 Erie Avenue. 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

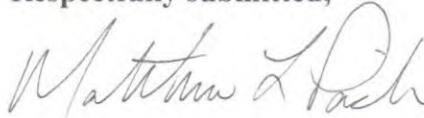
MOVED by Commissioner Haacker **SECONDED** by Commissioner Dreier
That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:32 P.M.

Next Regular Meeting: May 13, 2019 at 6:00 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer