

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, May 13, 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 APRIL 8, 2019

MOVED by Commissioner Dreier SECONDED by Commissioner Lewis
That the minutes of the regular session held April 8, 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 30, 2019

MOVED by Commissioner Evans 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 March 30, 2019 be received and filed.

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

Nays: None (0)

CARRIED.

#1

AREA VARIANCE TO CONSTRUCT AN ADDITION WITH LESS THAN THE REQUIRED 5' SIDE YARD SET BACK [§103-6 D (2) (a) MINIMUM 5' REQUIRED SIDE YARD SET BACK IN RESIDENTIAL].

Troy Kientz
72 East Felton Street
North Tonawanda, NY 14120

Re: Area Variance to construct an addition less than 5' from property line located at 72 East Felton Street

Joseph Kujawa
7249 Katie Drive
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 hereby officially designates themselves as lead agency for said SEQR for 72 East Felton Street, and will notify other agencies involved. 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 #16 to No.

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 Troy Kientz, 72 East Felton Street to construct an addition 3.9' from the property line on side lot. 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

USE VARIANCE TO CONDUCT A CAR SALES BUSINESS IN AN RC ZONE [§103-9 THE SALE OF AUTOMOBILES IS NOT PERMITTED IN AN RC ZONING DISTRICT, THE SALE OF AUTOMOBILES FIRST PERMITTED IN A C-2 ZONING DISTRICT].

Jeremy Hill
356 Woodlin Avenue
North Tonawanda, NY 14120

Re: Use Variance to sell cars in an RC Zone
District located at 843 Erie 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 Lewis
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 #1 to No.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun (5)
Nays: None (0)
CARRIED.

MOVED by Commissioner Braun **SECONDED** by Commissioner Dreier
That the Zoning Board of Appeals hereby tables the aforementioned Use Variance request from Jeremy Hill, 356 Woodlin Avenue till next meeting for more information to be submitted.

Ayes: Commissioner Dreier, Evans, Haacker, Lewis, Braun (5)
Nays: None (0)
CARRIED.

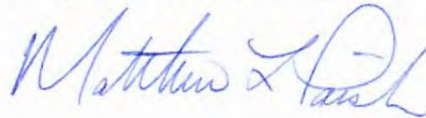
ADJOURNMENT

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

Time Adjourned: 6:30 P.M.

Next Regular Meeting: June 10, 2019 at 6:00 P.M.

Respectfully submitted,



**Matthew L. Parish
City Clerk-Treasurer**