

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, September 16, 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 AUGUST 12, 2019

**MOVED by Commissioner Dreier SECONDED by Commissioner Evans
That the minutes of the regular session held August 12, 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 AUGUST 3, 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 August 3, 2019 be
received and filed.**

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

Nays: None (0)

CARRIED.

OLD BUSINESS

#1

**USE VARIANCE TO INSTALL A NEW 8' X 5' LED SIGN ON EXISTING POLES @
624 RIVER ROAD TO INCLUDE ADVERTISING FOR 600 RIVER ROAD. [§103-
13.2 F (4) (a) & (c) SIGN INFORMATION SHALL PERTIAN TO PERMITTED USE
ON THE PREMISES – SIGN SHALL NOT CONTAIN ANY MOVING, FLASHING
OR INTERMITTENT ILLUMINATION].**

**DLV Properties LLC
10151 Main Street
Clarence, NY 14031**

**Re: Use Variance to install a new 8' x 5'
LED sign on existing poles located at
624 River 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 Braun **SECONDED** by Commissioner Lewis
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the Use Variance from DLV Properties, LLC, 10151 Main Street, Clarence, NY 14031, to install a new 8' x 5' LED sign on existing poles located at 624 River Road, applicant was not present for meeting.

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

Nays: None (0)

CARRIED.

#2

USE VARIANCE TO INSTALL A NEW 2' X 4' LED SIGN @ 600 RIVER ROAD TO INCLUDE ADVERTISING FOR OFF PREMISES. [§103-13.2 F (4) (a) & (c) SIGN INFORMATION SHALL PERTAIN TO PERMITTED USE ON THE PREMISES-SIGN SHALL NOT CONTAIN ANY MOVING, FLASHING OR INTERMITTENT ILLUMINATION].

**Rock One Development, LLC
 10151 Main Street
 Clarence, NY 14031**

**Re: Use Variance to install a new 2' x 4'
 LED sign to include advertising for off
 premises located at 600 River 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 Braun **SECONDED** by Commissioner Haacker
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the Use Variance from Rock One Development, LLC, 1051 Main Street, Clarence, NY 14031, to install a new 2' x 4' LED sign to include advertising for off premises, located at 600 River Road, applicant was not present for meeting.

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

Nays: None (0)

CARRIED

NEW BUSINESS

#1

AREA VARIANCE TO CONSTRUCT A 998 SQUARE FOOT SINGLE STORY ATTACHED GARAGE. [§103-15 B (1) (a) ACCESSORY STRUCTURES NOT PERMITTED TO EXCEED 15' IN HEIGHT]. [§103-15 C (4) (c) (4c) ACCESSORY STRUCTURES NOT PERMITTED TO EXCEED 750 SQUARE FEET IN ANY RESIDENTIAL ZONE].

**Anthony R. Westenfield
 7770 Northfield Rd.
 Clarence Center, NY 14032**

**Re: Area Variance to construct a 998 Sq.
 Ft. single story attached garage located
 at 97 Bryant 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 Lewis
 That the Zoning Board of Appeals hereby approves of the 9/10/2019 AMENDED AGENDA and officially designates themselves as lead agency for said SEQR for 97 Bryant 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 and #5b to Yes.

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

Nays: None (0)

CARRIED.

MOVED by Commissioner Dreier **SECONDED** by Commissioner Braun
 That the Zoning Board of Appeals hereby approves the Area Variance for Anthony Westenfield, 7770 Northfield Dr., Clarence Center, NY 14032 for a 998 Square Foot single story attached garage with a middle height of 15 Feet to follow the existing roof line, with no living spaces above garage. 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

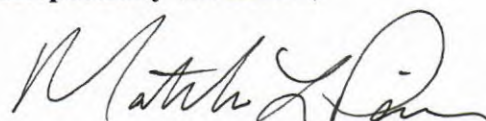
MOVED by Commissioner Haacker **SECONDED** by Commissioner Lewis
 That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:14 P.M.

Next Regular Meeting: October 21, 2019 at 6:00 P.M.

Respectfully submitted,



Matthew L. Parish
City Clerk-Treasurer