

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, May 8, 2023

6:00 P.M.

THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER BY CHAIRMAN SMOLINSKI.

ROLL CALL

**Present: Chairman Smolinski
Commissioner Haacker, Evans, Kuebler, Wistner**

Absent: None

Also Present: Building Inspector Robert C. DePaolo

APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 13, 2023

**MOVED by Commissioner Evans SECONDED by Commissioner Wistner
That the minutes of the regular session held March 13, 2023 be approved as
circulated and filed in the office of the City Clerk-Treasurer.**

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED MARCH 4, 2023

**MOVED by Commissioner Haacker SECONDED by Commissioner Kuebler
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 4, 2023 be
received and filed.**

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

**AREA VARIANCE TO INSTALL APPROXIMATELY 140 LINEAR FEET OF 6'
SOLID FENCE ALONG WEST PROPERTY LINE RETURNING TO SW
CORNER OF DWELLING AND SW CORNER OF GARAGE. NT FENCE
GUIDELINES – CORNER LOT FENCING MUST BE SET BACK 15' FROM
PROPERTY LINE IF REAR YARD ADJOINS NEIGHBORS SIDE YARD.**

**Mariah Barlow
2 First Avenue
North Tonawanda, NY 14120**

**Re: Area Variance to install a new 6'
solid fence along existing fence line
on side of property, located at
2 First 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 Evans
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 2 First Avenue and will notify other agencies involved, with a change to #1 to No, #5a to No and #5b to No, and finds that there will be no significant environmental impact and as such declares a Negative Declaration on the SEQR.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

CARRIED.

MOVED by Commissioner Haacker **SECONDED** by Commissioner Wistner
 That the Zoning Board of Appeals hereby approves the area variance to Mariah Barlow, 2 First Avenue, to install a 6' solid fence along existing fence line on side of property with a 45% cut back on driveway and front. 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 Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

CARRIED.

#2.

AREA VARIANCE TO ERECT A 30' X 60' ACCESSORY STRUCTURE 5' FROM REAR AND SIDE PROPERTY LINES. (EXISTING 440 SQ FT + NEW 1800 SQ FT). [§103-6 (A) (9) (e) PRIVATE GARAGES WITH A LIMIT OF 750 SQUARE FEET IN SIZE AND OF SIMILAR CONSTRUCTION STYLE AS THE SURROUNDING NEIGHBORHOOD].

Leroy Junn
 198 Rumbold Avenue
 North Tonawanda, NY 14120

Re: Area Variance to erect a 30' x 60'
 detached garage 5' from property
 line, located at 198 Rumbold 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 Evans
 That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the aforementioned request for more information including drawings, also the Board suggested letters from surrounding neighbors regarding request.

Ayes: Commissioner Haacker, Evans, Kuebler, Wistner, Smolinski (5)

Nays: None (0)

CARRIED.

ADJOURNMENT

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

CARRIED.

Time Adjourned: 6:29 P.M.
Next Regular Meeting: June 12, 2023 at 6:00 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer