

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, June 12, 2023**

**6:00 P.M.**

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**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: Assistant City Attorney Nicholas Robinson  
Building Inspector Robert C. DePaolo**

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## **APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 8, 2023**

**MOVED by Commissioner Evans      SECONDED by Commissioner Haacker  
That the minutes of the regular session held May 8, 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.**

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## **PROOF OF PUBLICATION PUBLISHED APRIL 29, 2023**

**MOVED by Commissioner Haacker      SECONDED by Commissioner Evans  
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 April 29, 2023 be received and filed.**

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

**Nays: None      (0)**

**CARRIED.**

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## **OLD BUSINESS**

**#1.**

**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.**

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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.

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**MOVED** by Commissioner Haacker      **SECONDED** by Commissioner Wistner  
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 607 Witmer Road, with a change to #1 to No, and #2 to Yes and will notify other agencies involved, 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.**

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**MOVED** by Commissioner Wistner      **SECONDED** by Commissioner Haacker  
That the Zoning Board of Appeals hereby approves the area variance to Brian Bortz, 607 Witmer Road to erect a 24' x 21' garage attached to the current 24' x 27' garage, located at 607 Witmer Road. 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.**

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**ADJOURNMENT**

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

**CARRIED.**

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Time Adjourned: 6:25 P.M.

Next Regular Meeting: July 17, 2023 at 6:00 P.M.

Respectfully submitted,

*Donna L. Braun*

Donna L. Braun  
City Clerk-Treasurer