

BOARD OF APPEALS
Regular Session
North Tonawanda, New York 14120
Monday, October 19, 2020
6:00 P.M.

**THE REGULAR SESSION OF THE BOARD OF APPEALS WAS CALLED TO ORDER
BY COMMISSIONER DREIER.**

ROLL CALL

Present: Commissioner Dreier, Haacker, Evans, Lewis
Absent: Chairman Braun
Also Present: City Attorney Luke Brown
Building Inspector Cosimo Capozzi

APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 21, 2020

MOVED by Commissioner Evans **SECONDED by Commissioner Lewis**
That the minutes of the regular session held September 21, 2020 be approved as circulated
and filed in the office of the City Clerk-Treasurer.
Ayes: Commissioner Dreier, Haacker, Evans, Lewis **(4)**
Nays: None **(0)**
CARRIED.

PROOF OF PUBLICATION PUBLISHED SEPTEMBER 12, 2020

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 September 12, 2020 be received and
filed.
Ayes: Commissioner Dreier, Haacker, Evans, Lewis **(4)**
Nays: None **(0)**
CARRIED.

OLD BUSINESS

#1.

**AREA VARIANCE TO ERECT 6 FOOT SOLID FENCE ALONG PROPERTY LINE
ADJACENT TO DIMATTEO LESS THAN 15 FEET FROM PROPERTY LINE. [§103-15
(C) (1) (b) IN THE CASE OF A CORNER LOT IN AN R DISTRICT WHERE THE REAR
LOT LINE ABUTS A SIDE LOT LINE OF AN ADJACENT LOT IN ANY R DISTRICT,
THE REQUIRED SIDE YARD ON THE STREET SIDE OF SUCH CORNER LOT
SHALL EQUAL 60 % OF THE REQUIRE FRONT YARD OF SAID ADJACENT LOT
(15 FEET)]**

Steve Bertini
637 East Goundry Street
North Tonawanda, NY 14120

- **Re: Area Variance to replace and
extend fencing along corner
property line located at 637
East Goundry 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 Evans

That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 637 East Goundry 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 #1 to No, #3a to less and an acre and #5a to No.

Ayes: Commissioner Dreier, Haacker, Evans, Lewis (4)

Nays: None (0)

CARRIED

MOVED by Commissioner Evans SECONDED by Commissioner Lewis

That the Zoning Board of Appeals approves the Area Variance request from Steve Bertini, 637 East Goundry Street, to replace and extend fencing along corner property line located at 637 East Goundry Street, fencing must have the required (2) 45° cut backs. 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 (4)

Nays: None (0)

CARRIED

NEW BUSINESS

#1.

AREA VARIANCE TO CONSTRUCT A 42' X 26' SINGLE STORY GARAGE WITH AN 8' X 16' 2ND FLOOR ROOM. [§103-6 A (9) (e) PRIVATE GARAGES NOT PERMITTED TO EXCEED 750 SQ FT IN ANY RESIDENTIAL ZONE].

**Albert Baker
61 Keil Street
North Tonawanda, NY 14120**

**Re: Area Variance to construct a
42' x 26' single story garage
with an 8' x 16' 2nd floor room
located at 61 Keil 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 Evans

That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 61 Keil 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 #1 to No.

Ayes: Commissioner Dreier, Haacker, Evans, Lewis (4)

Nays: None (0)

CARRIED

MOVED by Commissioner Lewis SECONDED by Commissioner Haacker

That the Zoning Board of Appeals approves the Area Variance request from Albert Baker, 61 Keil Street, to construct a 42' x 26' single story garage with an 8' x 16' 2nd floor room, located at 61 Keil Street. 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 (4)

Nays: None (0)

CARRIED

**#2.
AREA VARIANCE TO INSTALL A 3'11" WIDE X 13'6" HIGH POLE SIGN LESS THAN
THE REQUIRED FRONT SET BACK AND HAVING THE LOWEST POINT OF THE
SIGN LESS THAN 8' FROM FINISH GRADE. [§103-9A 12 (c) POLE SIGN NOT TO BE
LESS THAN 8' FROM FINISH GRADE.] [§102-15A (5) (a) SIGNS NOT PERMITTED
TO BE LESS THAN THE 25' REQUIRED FRONT SET BACK FROM M&T BANK].**

**M&T Bank
943 Payne Avenue
North Tonawanda, NY 14120**

**- Re: Area Variance to install a 3'11"
wide by 13'6" high pole sign
located at 943 Payne Avenue**

**Chris McCaffrey
Ulrich Signs
177 Oakhurst Street
Lockport, NY 14094**

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.

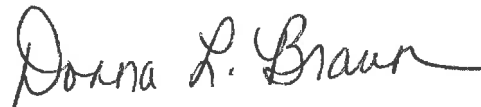
**MOVED by Commissioner Lewis SECONDED by Commissioner Haacker
That the Zoning Board of Appeals hereby makes no decision on the SEQR and tables the
aforementioned request. The applicant was not present for meeting.
Ayes: Commissioner Dreier, Haacker, Evans, Lewis (4)
Nays: None (0)
CARRIED**

ADJOURNMENT

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

**Time Adjourned: 6:20 P.M.
Next Regular Meeting: November 16, 2020 at 6:00 P.M.**

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**