

# **BOARD OF APPEALS**

**Regular Session**

**North Tonawanda, New York 14120**

**Monday, July 20, 2020**

**6:00 P.M.**

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**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: Asst. City Attorney Nick Robinson  
Building Inspector Cosimo Capozzi**

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## **APPROVAL OF THE MINUTES OF THE REGULAR SESSION MARCH 9, 2020**

**MOVED by Commissioner Lewis      SECONDED by Commissioner Dreier  
That the minutes of the regular session held March 9, 2020 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.**

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## **PROOF OF PUBLICATION PUBLISHED FEBRUARY 29, 2020**

**MOVED by Commissioner Dreier      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 February 29, 2020 be  
received and filed.**

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

**Nays: None      (0)**

**CARRIED.**

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## **NEW BUSINESS**

**#1.**

**AREA VARIANCE TO ERECT A 25' X 30' GARAGE LESS THAN THREE (3) FEET  
FROM PROPERTY LINE. [§103-15C (4) (4c) IN ANY DISTRICT, A SINGLE-  
STORY ACCESSORY BUILDING, 750 SQUARE FEET OR LESS IN AREA, WILL  
BE PERMITTED TO BE THREE (3) FEET FORM ANY SIDE OR REAR LOT  
LINE].**

**Lawrence Korn  
326 Zimmerman Street  
North Tonawanda, NY 14120**

**Re: Area Variance to erect a 25' x 30' single  
story detached garage less than 3 feet  
from property line located at 326  
Zimmerman**

**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.**

**Applicant has decided to abide by the City Variance of 3 Feet from property line  
and withdraws his application from the Zoning Board of Appeals.**



#2.

AREA VARIANCE TO INSTALL 48" SOLID FENCE TO REPLACE EXISTING CHAIN LINK ALONG FRONT PROPERTY LINE. [§103 B 4 (b) NO MORE THAN FOUR FEET WHERE LOCATED IN FRONT OF THE PRINCIPAL BUILDING AND IN EXCESS OF 15 FEET FROM THE FRONT PROPERTY LINE AND NO MORE THAN THREE FEET WHERE LOCATED WITHIN 15 FEET OF THE FRONT PROPERTY LINE. NO SOLID-TYPE FENCE OR WALL SHALL BE PERMITTED IN ANY DISTRICT. ANY FENCE CONSTRUCTED IN THE FRONT YARD MUST BE LESS THAN 50% SOLID].

John Martinez  
55 Phillips Street  
North Tonawanda, NY 14120

Re: Area Variance to install a 48" solid fence to replace an existing chain link along front property line located At 55 Phillips 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 Dreier  
That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 55 Phillips 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, #3 to less than acre, #5a. to No, #5b. to No, #6 to Yes #7 to No, #14 to Suburban#18 to No, #19 to No and #20 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 approves the Area Variance request from John Martinez, 55 Phillips Street, to replace chain link fence with a stockade fence along Phillips Street, fence must be 2 feet off the sidewalk and 4' high, with (3) 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, Braun (5)

Nays: None (0)

CARRIED

#### ADJOURNMENT

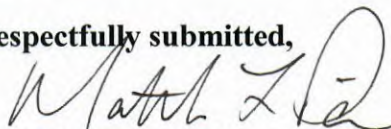
MOVED by Commissioner Haacker SECONDED by Commissioner Evans  
That the meeting of the Zoning Board of Appeals be adjourned.

CARRIED.

Time Adjourned: 6:45 P.M.

Next Regular Meeting: August 10, 2020 at 6:00 P.M.

Respectfully submitted,



Matthew L. Parish  
City Clerk-Treasurer