

BOARD OF APPEALS

Regular Session

North Tonawanda, New York 14120

Monday, August 10, 2020

5:52 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, Lewis**

Absent: Commissioner Haacker

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

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 20, 2020

**MOVED by Commissioner Lewis SECONDED by Commissioner Evans
That the minutes of the regular session held July 20, 2020 be approved as circulated
and filed in the office of the City Clerk-Treasurer.**

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED JULY 11, 2020

**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 July 11, 2020 be
received and filed.**

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

Nays: None (0)

CARRIED.

NEW BUSINESS

#1.

**AREA VARIANCE TO CONSTRUCT A 14' X 28' GARAGE ADDITION LESS
THAN 3' FROM RIGHT PROPERTY LINE. [§103-15 C (4) (c) (4c) – ACCESSAORY
STRUCTURES LESS THAN 750 SQ. FT. NOT PERMITTED TO BE LESS THAN 3'
FROM ANY PROPERTY LINE].**

**Richard Novak
80 Ransom Street
North Tonawanda, NY 14120**

**- Re: Area Variance to construct a 14' x 28'
garage addition less than 3' from
property located at 80 Ransom 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 Lewis **SECONDED** by Commissioner Dreier
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 80 Ransom 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 #2 to Yes, #3 to less than acre, #6 to Yes and #14 to Suburban.

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

Nays: None (0)

CARRIED

MOVED by Commissioner Lewis **SECONDED** by Commissioner Evans
 That the Zoning Board of Appeals approves the Area Variance request from Richard Novak, 80 Ransom Street, to construct a 14' x 28' garage addition 1.8' feet from property line located at 80 Ransom 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, Lewis, Braun (4)

Nays: None (0)

CARRIED

#2.

AREA VARIANCE TO ERECT A 30' X 50' POLE BARN ON ADJACENT LOT. [§103-15 (B) HEIGHT (1) ACCESSORY BUILDINGS (a) IN ANY R DISTRICT, ACCESSORY BUILDINGS MAY NOT EXCEED FIFTEEN (15) FEET IN HEIGHT]. [§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]. [§103-20 (B) DEFINITIONS ACCESSORY BUILDING OR STRUCTURE – A BUILDING OR STRUCTURE, THE USE OF WHICH IS INCIDENTAL TO THAT OF THE MAIN BUILDING AND WHICH IS LOCATED ON THE SAME PREMISES].

Janet and Robert Shugarts
 439 Witmer Road
 North Tonawanda, NY 14120

- **Re: Area Variance to erect a 30' x 50' pole barn on adjacent lot from 439 Witmer Road located at 60 Hawley Drive**

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 Dreier **SECONDED** by Commissioner Lewis
 That the Zoning Board of Appeals hereby officially designates themselves as lead agency for said SEQR for 60 Hawley Drive 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 #2 to Yes, #5b. to No, #6 to No and #9 to No.

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

Nays: None (0)

CARRIED

MOVED by Commissioner Lewis **SECONDED** by Commissioner Braun
 That the Zoning Board of Appeals hereby denies the requested Area Variance from Janet and Robert Shugarts, 439 Witmer Road, to erect a 30' x 50' pole barn on adjacent lot located at 60 Hawley Drive. The request did change the character of the neighborhood, there was an alternate solution. The requested area variance was substantial, request will have an adverse effect on the physical or environmental conditions of the neighborhood and the alleged difficulty was self-created.

Ayes: Commissioner Dreier, Evans, Lewis, Braun (4)
 Nays: None (0)
CARRIED

#3.

AREA VARIANCE TO CONVERT TWO EXISTING TENANT SPACES INTO TWO NEW APARTMENTS – IN ANY C-2 ZONE THE FOLLOWING ARE REQUIRED. [§103-8 C (1) (b) MINIMUM OF 3000 SQ. FT. OF LOT PER DWELLING]. [§103-8 F (2) MINIMUM OF 500 SQ. FT. PER DWELLING]. [§103-14 A (1) (a) MINIMUM OF ONE PARKING SPACE PER DWELLING]. [§103-15 C (7) (b) MINIMUM OF 400 SQ. FT. OF GREENSPACE PER DWELLING].

**NT Port I, LLC - Re: Area Variance to convert two existing
 Michael Attea tenant spaces into two new apartments
 P.O. Box 484 located at 282 Schenck Street
 Clarence, NY 14032**

**Sutton Architect
 5409 Main Street
 Williamsville, NY 14221**

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 Dreier
 That the Zoning Board of Appeals hereby makes no motion on the SEQR, and
 tables the aforementioned request, applicant must come up with a solution for
 tenant parking.**

Ayes: Commissioner Dreier, Evans, Lewis, Braun (4)
 Nays: None (0)
CARRIED

#4.

AREA VARIANCE TO INSTALL A 11' X 16' CONCRETE PAD IN FRONT OF GARAGE. [§103-15 (C) (4) (d) HAVE THE AGGREGATE GROUND AREA FOR ALL ACCESSORY STRUCTURES, PAVED OR CONCRETE AREAS EXCEED 30% OF THE REQUIRED REAR YARD IN ANY R DISTRICT].

**Deborah Fire - Re: Area Variance to install a 11' x 16'
 405 Spruce Street concrete pad in front of garage
 North Tonawanda, NY 14120 located at 405 Spruce 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 Braun SECONDED by Commissioner Lewis
 That the Zoning Board of Appeals hereby makes no motion on the SEQR, and
 tables the aforementioned request, applicant must talk to the City Engineer
 regarding drainage between concrete pad and driveway.**

Ayes: Commissioner Dreier, Evans, Lewis, Braun (4)
 Nays: None (0)
CARRIED

ADJOURNMENT

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

Time Adjourned: 6:20 P.M.

Next Regular Meeting: September 21, 2020 at 6:00 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lori Swartz", with a large, stylized flourish extending to the right.

Lori Swartz
Assistant City Clerk